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House of Commons.

MINUTES OF EVIDENCE,

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of *Dublin*.*Veneris, 2^o die Maii, 1823.*

Sir ROBERT HERON, Baronet, in the Chair.

THE Serjeant was directed to cause all persons, summoned as Witnesses, to withdraw from the gallery of the House.

Mr. BENJAMIN RIKY,

Called in; and Examined.

WHAT is your name?—Benjamin Riky.

You are clerk of the crown in Ireland?—I execute the office of clerk of the crown in Dublin.

How many years have you executed the office of clerk of the crown in Dublin?—For nearly thirty years; I have been in the office for three and thirty years.

Have you brought with you any document by which you can ascertain the state of the panels upon the commission juries in the city of Dublin?—I have.

Have you with you the panels for grand juries in the years 1819, 1820, 1821, and 1822?—I have, with the exception of the panel for February 1820; I have the grand jury of February 1820, but not the panel.

How comes that panel to be not in your possession?—The clerk whom I had at that time is dead; I was not able to lay my hand upon it, nor has it been found; I left directions when I was leaving Ireland to have it sent after me; I have got the grand jury, but not the panel.

Put in those panels which you have with you.—

[*The witness produced the same.*]

Have you examined into the state of those panels, and can you state to the Committee the number of corporators on each of those panels?—I have, to the best of my judgment; I have examined them, and compared them with the list of the common councilmen.

The question asked, is confined to the commission grand juries; there are other grand juries also impanelled in the city of Dublin, are there not?—There are.

What is the duty respectively of the commission grand juries and the other grand juries?—The duty of the commission grand jury is the disposing of indictments

308.

A

merely;

Mr.
Benjamin Riky.First Day.
(May 2.)

Mr.
Benjamin Baly.

First Day.
(May 2.)

merely; that is the only court in Dublin of which I am an officer; however, I attend also the court of King's Bench, and I know that the grand jury of that court present all money affecting the city of Dublin, with the exception of certain presentments, made by the quarter sessions grand jury.

Can you then state, from your knowledge and observation, what the respective attendance of the corporation upon the commission grand jury, and upon the other grand jury, are?—I have been frequently in the court of King's Bench when the term grand juries have been sworn; the term grand juries consist, for the most part, of the aldermen of the city of Dublin; I never have attended the quarter sessions court, and I do not know any thing of it.

Are the commission grand juries composed, in the same proportion, of common council, as those term grand juries, you have already mentioned?—I apprehend not.

You stated that those grand juries are composed mostly of aldermen; who are the other persons on those grand juries, besides the aldermen?—Sheriffs peers, I believe; aldermen and sheriffs peers exclusively.

What is the meaning of sheriffs peers?—A gentleman who has served the office of sheriff, or fined by reason of his not having served that office.

Are the Committee to understand, that the common council are a different body from the sheriffs peers and the aldermen?—I have always understood so.

How are the common council elected?—There is first the guild of merchants; the guild of merchants return, I think, thirty-one; there are different other corporations.

Will you mention them?—I cannot mention them.

Do any of the other guilds elect as large a number of common council as the guild of merchants?—None, I believe.

The election is annual, is it not?—No, every three years. I am only however stating my knowledge of the subject, as far as I have had opportunity of knowing; I am not myself of the corporation, nor belonging to it in any shape, other than being a freeman of one of the corporations.

Have you any statement made out, from the panels, by which you can ascertain the number severally on the commission grand juries during the years 1819, 1820, 1821 and 1822, with the exception of that panel which you say is not forthcoming?—I have.

Will you state the number of sheriffs peers, or common council, that were on the commission grand juries in the year 1819?—At the February commission, in the year 1819, there were six common councilmen sworn on the grand jury, and nine that were not sworn; at the July commission there were five sworn, and eighteen not sworn.

Were they not sworn on account of non-attendance?—They were; at the October commission, in the year 1819, it appears that there was not any common councilman sworn on the grand jury, there were eleven on the panel; and at the December commission, in the same year, it appears there were three sworn on the grand jury, and four others on the panel.

Will you proceed now through the year 1820?—The first, in the year 1820, is the February commission, of which I have not the panel, but I have the grand jury from the record, and it appears there was one common councilman sworn on the grand jury; at the June commission, in the same year, there were two sworn on the grand jury, and eleven on the panel; at the October, three on the grand jury, and five on the panel; at the December, three on the grand jury, and sixteen on the panel.

When you say there were three sworn, and sixteen, you mean sixteen besides the three that were not sworn?—Exactly so. I have prepared two columns; one consisting of the number sworn, and another of those who were on the panel and not sworn. The next year is 1821; and it appears that, in February 1821, there were nine sworn, and thirteen on the panel not sworn; in April there were two sworn, and two on the panel who were not sworn; in July there were seven sworn, and thirteen on the panel not sworn; in August, eight sworn, and thirty-two not sworn; in October there were eight sworn, and nine not sworn. The next year is 1822; in January there were two sworn, and two on the panel who were not sworn; in February, two sworn, and two not sworn; in April there were two sworn, and none other on the panel; in June there was not any common councilman on the panel; of course, none sworn. In August 1822, there was but one on the panel; he was not sworn. In October there were five sworn, and fourteen

547

who were not sworn; and at the January commission in the year 1823, there were fourteen sworn on the grand jury, and thirteen others on the panel who were not sworn.

Making twenty-seven on that panel?—Yes.

With reference to the last panel you have spoken of, how many does the entire panel consist of?—Fifty.

Have you, in your experience for upwards of thirty years, ever known any panel confined to so small a number as fifty?—I have not.

Will you read the numbers of each panel, if you have them taken out?—The number on the panel in February 1819 is sixty-one; in July, seventy-two; in October, ninety-five; in December, eighty-seven. In 1820, in June, seventy-one; in October, sixty-six; in December, seventy-one. In 1821, in February, sixty-seven; in April, one hundred and seven; in July, eighty-two; in August, seventy-nine; in October, sixty-one. In 1822, in January, seventy-seven; in February, eighty-seven; in April, sixty-eight; in June, seventy-two; in August, eighty-five; in October, sixty-two; then, on the panel of January 1823, fifty.

Can you state what places the fourteen who were sworn occupied in the panel in 1823, whether there were any persons before them on the panel, or whether they answered, and in what manner, according as they were placed upon the panel?—The grand jury, in 1823, answered within the first twenty-six names; namely, three absent persons only.

Have you ever known an instance, before this time, in which such a circumstance took place, as that the persons should have answered in rotation in the manner you have just now stated?—I do not remember any such circumstance.

It appears that there were upon the panel, in January 1823, twenty-seven common councilmen; fourteen sworn, and thirteen on the panel that were not sworn; out of a number of fifty, had you ever before known an instance in which the common council formed a majority of the commission panel?—I do not find any such circumstance.

What was the entire number of the panel in August 1821?—Seventy-nine.

What was the number of common councilmen?—Forty.

How do you reconcile that with saying, that there was no instance, except the last, in which there was a majority of common councilmen?—I understood the question was in equal proportions; I misconceived the question; the corporators are twenty-seven, which is more than the half of fifty; but, perhaps, I have fallen into an error.

Were the fourteen common councilmen, whom you have stated to be sworn upon this panel, placed at the head of the panel?—The whole jury, with the exception of two after the foreman, answered in succession, until I came to the twentieth, there was then an absent gentleman, and then the other four were sworn; so that the whole jury ran in succession, with the exceptions I have mentioned.

In what order did the fourteen common councilmen appear upon the panel?—In order to answer that question, I will compare the names again with the alphabetical list I have of the commons; I merely marked the number of common councilmen on the grand jury, without reference to the order in which they stood. I have the alphabet here.

Were the three that were absent, common councilmen or not?—Two of them, I think, were common councilmen; lest I should make any mistake, may I be allowed half a moment, and I will see. Lane, Sparrow and White, are the absent gentlemen. It appears Mr. Lane is a common councilman; Mr. Sparrow, I believe, is not; and Mr. White is.

Is it in the ordinary course of calling over the commission grand jury, that the grand jury is completed without going nearly through the panel, in calling them over?—Very seldom; frequently the panel is called over twice, and often on five.

Will you look at the panels of the preceding year, and state how far down the call proceeded before the grand jury was completed?—The range is from fifty-seven to a hundred and five; there are, of course, intermediate numbers, fifty-nine, sixty-seven, eighty-nine, and so on. I will detail them, if it is wished; none less than fifty-seven, nor more than a hundred and five.

In the panel of the grand jury, immediately preceding the last, what rank on the panel was the last named of the grand jury?—Fifty-six.

What rank was it on the one next previous to that?—Eighty-five.

You mean by that, that the last man sworn on the grand jury was the eighty-fifth upon

Mr.
Benjamin Riky.
First Day.
(May 2)

Mr.
Erasmus Biley.
First Day.
(May 2.)

upon the panel?—Yes; but it frequently happens that the panel is called over and there are not enough without calling them on fines.

How many names were called over on the panel previous to the last, before the grand jury were formed?—I have taken a return of that, and can give that.

Will you state the place of the last man on the grand jury on each occasion?—It frequently happens that the names of the grand jury are called over to the end of the panel; a sufficient number to form the grand jury not appearing, they are called on fine, and then short of the last man frequently a grand jury are found. Shall I state the order in which that last man is sworn, or state the whole panel with reference to the appearances?

What is the lowest number on the panel sworn on each occasion?—I shall be obliged to reckon them; they are not numbered on the panel.

Have you any means of informing the Committee of the distinction between a person being called on fines, and a person being called on the first time that the panel is gone through?—In some instances I have a statement of the number of fines appearing on the face of the panel; in other instances I have not, as the judges sometimes direct that the panel shall be called on fines without actually entering them, and not having a wish to inflict fines if it is not necessary. I have already stated, that 57 appears to be the lowest number, and 105 the highest.

Have you any means of stating whether, on any given occasion, the whole of the panel was exhausted before a jury was obtained?—I have.

State in how many cases the panel was exhausted?—There are eighteen panels; it will take some time to go through them.

[The witness was directed to make a return of the number of panels which were exhausted; the number of fines imposed; and, in respect of the panels that were not exhausted, the lowest number that was called.]

In what manner is the panel delivered in, and by whom?—It is delivered to me by the sheriff, annexed to a precept which has been previously delivered to him, calling for the grand jury.

On the grand jury, in January 1823, how many common councilmen were sworn?—Fourteen, according to my inspection.

Is there any other occasion that has come within your knowledge, in which there has been upon the grand jury a majority of the common councilmen sworn?—None.

Referring to the panel of the year 1821, on which there was a majority of the common council, will you inform the Committee, whether that was, or was not, the occasion of the King's visit to Ireland?—It was the occasion of His Majesty's visit.

Was there any business transacted by that grand jury?—The court adjourned in half an hour, all business being then done.

At what time of the year did the present sheriff enter into his office?—I believe the sheriffs of the city enter upon their office at Michaelmas in every year.

What was the smallest number which you ever recollect to have been called on the panel before the twenty-three were sworn?—Fifty-seven.

Is the panel delivered to you by the sheriff or the under-sheriff?—Invariably, I think, by one of the high sheriffs;—they are usually both in court, but one hands the panel to me from his box to where I sit under the judge.

That was the case on the last occasion, was not it?—Yes, it was.

You mentioned that there was a triennial election of common councilmen in the corporation of Dublin?—So I always understood.

Is it not usual that in the commission immediately succeeding an election of new common councilmen, there is a greater number of common councilmen put on the jury than on common occasions?—I have not looked for the fact; I will now; *[the witness referred to the panels]*; the first sitting after the sheriffs enter upon their office is in October; I do not find that that is so.

The election of common councilmen is after October, is it not?—I cannot say.

Is it not usual, in the commission succeeding an election of common councilmen, to pay them the compliment of putting them on the grand jury; and are there not more common councilmen put upon that, than on common occasions?—My answer then is to apply to a jury every third year; there was a new common council I believe, in December 1822, from 1816 to 1819, and from 1819 to 1822; I do not belong to the corporation; I am not an officer of that board.

Will you refer, by going three years back, to December 1819, and compare the one of January 1820?—There was no commission in January 1820; the commission.

mission was in February. I have not the panel of February, but I have the grand jury.

Is that the only panel you have not?—It is the only panel within this range that I have not; but I have the crown-book, in which the grand jury are entered from the panel. The panel has not been looked upon as a record when the indictments are found, and the caption added to those indictments; I, however, preserve them.

That one which you are asked for, is the only one which is missing?—It is.

Have you the means of answering that question, in reference to former years, before the year 1819?—I have not; my search went back, commencing with 1819; but I have the sworn grand jury, alluded to, in February 1820.

Can you account to the Committee, why that particular panel should be missing?—I cannot.

How many common councilmen were there upon that grand jury in February 1820?—One only.

Have you not stated, that you have in your possession a document which you consider as equivalent to the panel; the names of the grand jury in February 1820?—So far as the sworn grand jury go, I have.

Will you explain, why you consider that equivalent to the panel?—Because it is entered in the crown book from the panel immediately on the grand jury being sworn, and becomes the record.

Does it show the number of common councilmen who are upon the panel?—It does not.

Then how can it be equivalent to the panel?—I believe I have answered, as far as the grand jury go; if not, I would wish to state that.

Can you state the names of the grand jury in January 1823, and how they were called and sworn?—The panel of January 1823; Sir George Whitford, sworn; Abraham Lane, a common councilman, not sworn; William Sparrow, not sworn; John Foster, sworn; Joseph Lampray, sworn; Daniel Smith, sworn; Edward Cusack, sworn; James Vance, sworn; Samuel Lampray, sworn; John Stephens, sworn; Christopher Graham, sworn; Joseph Henry Moore, sworn; William Hone, sworn; Thomas Manders, sworn; Samuel Warren, sworn; Arthur Perrin, sworn; Luke Cosser, sworn; John Davis, sworn; George Holmes, sworn; Andrew Woods, sworn; William Carpenter, sworn; John White, a common councilman, not sworn; John Twycross, sworn; William Moore sworn; John Charters, sworn; John Matthews, sworn.

Can you state, which of those individuals were members of the common council?—I can do it in a very short time, if it is desired.

[The witness was directed to add this to his return.]

What is the smallest number to be found on the panels you have brought with you before the grand panel of October 1822?—The lowest number I have on the panel is sixty-one.

Before October 1822?—Yes.

When did Sheriff Thorpe make his first return to you?—In October sitting 1822.

What number did the panel consist of?—Sixty-two.

Returned by Sheriff Thorpe?—Yes, returned by Sheriff Thorpe.

The next return he made to you was the great panel of January 1823?—It was.

How many did that consist of?—Fifty.

Are the panels in all cases signed by both sheriffs?—They are.

In all cases?—In all cases.

Was the panel in 1823 signed by Sheriff Cooper and Sheriff Thorpe?—It was; in law we consider them but one.

Is it not a matter of notoriety, that after the renewal of the common council, the panel at the succeeding great commission consists of a greater proportion of common councilmen than the panels preceding the renewal of the common council?—I never heard of that before this night.

What was the number of common councilmen who were sworn on the grand jury of the commissions in January 1820?—Only one.

Was that the panel immediately after the renewal of the common council?—It was, as I understood.

Do you know at what periods the election of the common council takes place?—I do not; I already mentioned that I do not belong to the corporation, my

Mr.
Benjamin Riky.

First Day.
(May 2.)

examination, with reference to the panels, 'has been made from the almanack containing the commons, which mentions the time of their election and the length of time they are to remain in, being from the 24th of December 1816, to the same period in 1819, from 1819 to 1822, and from 1822 they are now going on.

Have you any means of ascertaining how many persons, sworn on the grand jury in 1823, were new common councilmen?—No otherwise than by relooking them by the almanack, which marks them.

Have you referred to that almanack?—I have not it, in the house.

[The witness was directed to add the number on the panel of January 1823, who were new common councilmen.]

Do you know whether all the common councilmen who attended on that occasion in court, had attended on previous occasions at one or other times before, or whether any of them attended for the first time on the grand jury at that time?—I have not made any such examination.

[The witness was directed to add this to his return.]

Is the year in which the triennial election of members of the common council takes place, a matter of notoriety in Dublin?—Oh, certainly.

Did it take place in December last?—Shortly previous to December they enter upon their office, as appears by the returns in the almanack in December.

It was at the close of the last year that the election of common council took place?—Yes.

Was there a commission of oyer and terminer in Dublin, in the month of October 1822?—There was.

Are you aware who made out, copied and returned the lists of the grand juries and petit juries for such commission?—I received the juries from the sheriff; I know nothing of the making of them out. I have no connection whatever with the sheriff's office; the first knowledge I have of the panels coming from the sheriff, is his handing them to me in court.

Do you know, whether in point of fact, those members of the common council who were last elected, were upon the last panel?—I do not know at present that is a part of the inquiry I have been directed to make.

If there is a failure in attendance of grand jurors, it is usual in the court to impose a fine, is it not?—It is usual to call the panel on fines, and frequently to impose fines.

Was there not a very strong expectation of business of very great importance in the different courts, to occur at this commission?—I do not recollect any thing of importance but one.

Which was that?—The affair at the theatre.

Was not there an indictment of the conspirators, the ribbonmen?—I believe that was in the county of Dublin, therefore my first answer should be with reference to the city of Dublin; the business for the county and city of Dublin is done in the same court, and going on by the same judges.

In the October preceding, was not there a trial of ribbonmen in the city of Dublin?—There was, of several.

With such important business before the court, would the chance of a person not attending being fined, be considerably greater?—Upon my word I should suppose so.

Would not that, in your opinion, account for a greater attendance of grand jurors appearing consecutively than upon another occasion?—The jury have been frequently called on fines, and not answered in the same consecutive order, not answered in succession in the same way; I never knew an instance of their so answering before.

Are you acquainted with the situation in life of Joseph Henry Moore, who appears to have been one of that grand jury?—I cannot say that I am acquainted with his situation in life.

Do you know that he acts as agent to the Atlas Insurance Office, in the city of Dublin?—I have heard that he does; I do not know.

Have you made diligent search for the panel of 1820, which is now missing?—I have.

Is that the panel which you stated was missing in consequence of the death of your clerk?—My clerk died shortly after that period; I do not know that it was in consequence of his death that the panel was missing.

When

537
Mr.
Benjamin Rely.
First Day.
(May 2.)

When did you first miss that panel; when did you first discover it was not among the others?—They were never put together; they are usually rolled round the papers of the commission to which they belong. That panel I missed on Friday last.

Have the sheriffs of Dublin returned any commission grand panel to you, since January 1823?—They have.

How many did that grand panel consist of?—I have not reckoned it; there is one of February 1823.

Can you inform the Committee how many there are upon that panel?—The panel is here, and I will reckon it.—*(The witness referred to the panel, and then answered.)*—The panel of February 1823, being the one subsequent to January, consisted of eighty-nine.

When did you first search for the panel of January 1820?—On the day on which I could not find it.

When did you first see that panel?—I think I did not see it since the sitting of the commission; it is usually rolled round the papers of the commission, and they are put up in the press.

Do you know whether that was ever rolled round the commission?—I declare I do not know; I take for granted, in the course of my business, it was. It is impossible for my hand to reach all the business of the office; that is a duty which usually devolves upon the clerk; he was in the habit of rolling them very accurately round the papers of the commission, and indorsing them, and putting them up.

Can you state when this clerk died?—I think it was the latter end of 1821.

Where are those panels kept?—The papers of old date are preserved in the office, in a room in Green-street, a room attached to the court; the papers of more recent date are preserved in an apartment in my house, where the business is executed.

Are you to be understood to state, as the probable reason of that panel of 1820 being missing, the death of your clerk?—I think he would have been the most likely person to have found it, if he had been living.

You have stated, that the death of that clerk was a probable reason of that panel being missing; have you not?—The panel might not be forthcoming, if he was living; but he would have been the most likely person, I think, to have found it.

Are you able to state how many common councilmen appear in the panel referred in February 1823, consisting of eighty-nine?—I can, by reference to the document.

[The witness was directed to add this to his return.]

Are you aware of any remarkable circumstance attending the panel that is missing?—I am exceedingly anxious it were forthcoming, and have made every search for it.

Are you aware of any remarkable circumstance attending the panel in February 1820?—I was not aware of any importance attached to it, till the questions proposed to me this morning.

You are not aware of any circumstance in that panel differing from the complexion of the other panels?—No.

Are you aware of any irregular or unusual practice in respect of the panel in January 1823?—I have stated such facts as appear upon the face of it.

Are you aware of any irregular or unusual practice in respect of the formation of that panel, except as far as concerns the numbers put upon it?—None.

Have you any means of recovering that panel in February 1820, from any other source?—I should suppose in the sheriff's office only.

You think it possible it may be obtained from the sheriff's office?—The panel was made out there, and most probably they may preserve a copy of it.

Can you obtain, yourself, the panel of January 1817?—If, I were in Dublin, I dare say I could.

Could you by sending for it?—I dare say it will be forthcoming.

Are there the means of seeing how many common councilmen were upon that panel, in the same way as it may be ascertained with respect to the panel of January 1823?—Of course.

And the same with respect to the panel of January 1814?—Of course.

[The witness was directed to obtain those two panels.]

Are you not acting clerk of the crown for some counties in Ireland, and for what counties?—I execute the office of clerk of the crown on the Home circuit, consisting of Meath, West Meath, King's County, Queen's County, Kildare and Carlow.

*Mr.
Benjamin Rigg.*

*First Dep.
(May 2.)*

Is this office, has it occurred to you to observe that a grand jury has been formed in going over twenty-six of the names upon the panel?—I think not.

You can be pretty certain that more than twenty-six names were called over before the number of twenty-three, constituting the grand jury, was obtained?—Certainly.

Is it not, as far as you conceive, an object with gentlemen in the counties, in which you act as clerk of the crown, and conceived desirable by them, to appear at the assizes, and be upon the grand jury?—I have always observed a great desire, on the part of the gentlemen, to attend.

And you are pretty certain that a grand jury was not obtained without calling for more names than twenty-six?—I have no doubt of that.

Having stated, in answer to a question put to you, that there was nothing else unusual on the face of the panel of January 1823, except the small number of names put upon that panel, was it not unusual for twenty-three out of twenty-six persons to answer consecutively?—I thought I answered beyond the observations I have already made; namely, the smallness of the number on the panel; the extent of the number of common councilmen sworn on the grand jury, and the thirteen common councilmen that were not sworn, to be added to that.

Then, in point of fact, there were three unusual circumstances attending that panel?—So it occurred to me.

Was there, to your knowledge, any thing unusual or irregular in the mode of composing the panel before the parties were sworn in January 1823, except the number upon it?—It was unusual to have so small a number as fifty upon the panel; it appeared to me unusual to have fourteen common councilmen sworn on the grand jury; it appeared to me unusual to have more than one half of the whole panel common councilmen; whether those matters be irregular or not, I will beg leave to submit to the consideration of the House.

Was not the election of the new common councilmen completed in the month of November?—I already mentioned I do not belong or hold any office with reference to the corporation, nor do I know the day on which the election takes place; my information of the common council I have from the almanack.

You have stated Mr. Moore to be on that grand jury?—I think he is; Joseph Henry Moore, of Bachelor's walk; I see he is.

You stated him to be agent to an insurance office?—I have stated that I had heard that.

Do you believe that he is a member of the common council?—I will refer and ascertain that. [*The witness referred.*] Joseph Henry Moore, appears to be a common councilman.

Can you say whether he was not a member of the former common council?—I will refer and answer that. [*The witness referred.*] Yes, he was.

Can you say whether Mr. Moore and his family are not old and settled inhabitants of the city of Dublin?—I already mentioned that I do not know the gentleman; I heard that he belonged to an insurance office, and I know nothing further.

Have you any reason to form a belief whether his family are, or not, old residents in Dublin?—I take for granted they are; I do not know any thing of him; he appears to be a very respectable gentleman.

You do not mean to infer from his being the agent of an English insurance company, that he is therefore unconnected with the city of Dublin?—I hope I did not draw any such conclusion.

You are asked whether you did?—If I did I beg to withdraw it.

You have been asked about a Mr. Moore, who formed one of the grand jury; was Mr. M' Culler, one of the persons indicted, a clerk of Mr. Moore?—I do not know indeed; the persons indicted were Forbes, two Graham, two Handwicks, and Brownlow.

Was not there a charge against a man of the name of M' Culler?—He might have been charged in the indictment for aught I know, but I do not recollect really; perhaps he was.

Can you state any thing with respect to Messrs. Lampray and Perrin, two of the grand jury, any circumstances which have occurred since?—I cannot.

Are they not sheriffs elect?—I was not at the election; but it appears in the newspaper, that two of the grand jury, Mr. Perrin and Mr. Lampray, are the sheriffs elect; Mr. Arthur Perrin and Mr. Samuel Lampray.

Can you state, in reference to the panel of January 1823, whether there are the names

Mr.
Rogues Rily
Fine Day,
(May's)

names of any Roman catholics upon that panel?—I do not know the persuasion of every man on the jury, but I believe there are not.

You can state, of your knowledge, whether, on former panels of commission grand juries, there were catholics?—It is really a matter I never inquired into.

Have you ever known Roman catholics serve on the commission grand juries for the city of Dublin?—I have not a sufficient knowledge of the persuasion those gentlemen are of, to answer the question.

You have mentioned that Forbes, two Handrichs, two Grahams, and Brownlow, were indicted before the January grand jury in 1823?—They were, with others.

What others were indicted?—I do not recollect the names; there were two or three others?

Did you never hear of two Atkinsons being indicted before the grand jury?—I cannot say that I heard of their being indicted; they were in the indictment; the indictment was ignored.

Have you heard that they are summoned to the bar of this House?—I do not think that I have.

The circumstance never reached your ears, that the two Atkinsons are summoned to attend at the bar of this House?—I never saw any list of witnesses ordered to attend the bar of this House, till Mr. Leigh, a member of the House, handed me a paper in the coffee-house; and I said I should like to see my own name in print; and I looked over it.

Were their names among them?—I really do not recollect; I never gave myself any trouble upon that subject.

You mean to state, that you are not acquainted with the circumstance, whether they are among them?—I do.

You stated some unusual circumstances attending the grand jury panel of January 1823; when did you first make any communication, and to whom did you make the communication respecting any unusual circumstances attending this panel?—The only communication I made was some time subsequent to the 15th of April; it then struck me as being extraordinary; I looked into it, and I found the numbers as I have stated them.

You never made any communication previous to the 15th of April, regarding the unusual circumstances of the grand panel, in January 1823?—No.

You are quite certain of that?—Yes.

To no one?—I have no recollection of any thing of the kind.

Do not you know that M^r Culler was the clerk of Mr. Moore, one of the grand jury?—I have already mentioned that I know nothing of Mr. Moore; I heard and believed that he was in the office of an insurance company; I do not know any thing of M^r Culler; I never saw him to my knowledge.

Do you recollect having at any time, and when, sent the six panels for the year 1822, to any person?—On the evening of the first of January 1823, I sent the six panels to the house of the attorney general for Ireland.

Was that the evening of the first day that the grand jury sat?—It was; the bills of indictment were preferred on Wednesday the first of January, at the hour of about two o'clock in the day; the grand jury remained together until towards five in the afternoon; the bills were not then disposed of; they were sent up the following day, and upon the evening of the first of January I sent the panels, in consequence of a message I received.

Were you sent by the court to the grand jury, in the evening of that first day?—I was.

Will you mention how?—In consequence of the length of time that the bills were before the grand jury, the judges ordered me to go up to the grand jury, and ask them whether they were likely to dispose of the bills that were before them; and I accordingly went up.

Is it usual for the court to do so?—It is not.

Have you ever known it done on any other occasion, and on what occasions did it so happen?—I cannot recollect that I do know of it; in general, the grand jury send down the bills pretty speedily after they are preferred; but it may have occurred; I cannot possibly charge my memory with it.

Had the court any business before them, to occupy them when they sent you up?—No; the indictments alluded to were the first, and I think the only ones preferred; and of course the court had nothing to do till they returned.

Have you any means of knowing the number of witnesses they examined?—

305.

C

I suppose

Mr.
Benjamin Baily.

First Day.
(May 2.)

I suppose a great number; they were sent down to the grand jury; how many they examined I cannot state.

How many were sworn?—I cannot charge my memory with it.

There were a great number sworn?—There were.

If the grand jury were to examine all those, would it strike you as any thing unusual the time they occupied?—It occurs to me they might have examined them all; but so much depends upon what each witness might have to say, I cannot say.

What do you suppose to have been the reason that the court sent you up to the grand jury?—I should suppose it arose from a feeling in the court, that the grand jury had had time to dispose of the bills.

What was the length of time that they were occupied, from the time that the bills went up till you went up by desire of the court?—Three hours.

Were not there seven and twenty witnesses?—No, there were not so many sworn the first day.

How many were sworn the first day?—I declare I cannot say exactly, I think not more than twelve.

On the second day the remainder were sworn?—A great number were sworn the second day.

What answer did you get from the grand jury when you went?—That they had not disposed of them.

Did you report that to the court?—Oh certainly.

Did the court make any observation?—I declare I am not aware of any.

Who were the judges?—The judges were Judge Moore and Judge Burton.

At what hour was it that you made your report?—I returned immediately almost, the grand jury gave me an immediate answer.

What hour was it?—I think about five o'clock.

The court then adjourned?—The court then adjourned; I had not an idea of being asked a word about it.

You have stated that a person of the name of M^r Culler was indicted?—I have been so informed.

You stated your belief that he was a clerk of Mr. Moore, one of the grand jury?—I hope I have not.

Was M^r Culler ever arrested or called upon to give bail, or was he in any way implicated in the transactions, until the bill was sent before the grand jury?—I cannot say what might have been known; I knew nothing of it myself until the bills were put into my hands, at the time the grand jury were sworn; nor do I think I had time to read the bills till after I handed them to the grand jury.

You knew nothing about it?—I knew nothing about M^r Culler being charged, until the bill came down to me that evening, and I had to act officially upon it, and to enter the names.

Did you know who were the persons indicted before the bill went up?—The persons in custody I knew the names of, and also the persons on bail, for I had their recognizances.

Was M^r Culler either on bail or in custody?—He was not.

Have you the names of those who were on bail and in custody?—I can state them from memory.

Was he one of those in custody, or one of those that gave bail?—My recollection is, that there were three in custody, and three on bail, of whom M^r Culler was not one.

Had M^r Culler any means of knowing that he was accused?—I do not know; he had none from me.

Were you in your present office in the year 1811?—I was.

Did you know of a bill or bills having been preferred before the grand jury, by Sir Edward Littlehales, on a charge of bribery?—There were bills preferred at his suit.

Do you know what became of those bills; were they found true, or were they ignored?—They were ignored.

How many?—Two.

That was in 1811?—It was, I think, at the October commission in that year.

Do you know, of your own knowledge, of any further proceedings that were had upon these charges?—I have seen an attested copy of an ex officio information, filed by the then King's attorney-general.

Upon

Mr.
Erasmus Rids.
First Day.
(May 2.)

Upon the same charges?—Upon the very same charges.

By Mr. Saurin?—Yes.

After those bills were ignored?—Immediately after; the following term.

Were any proceedings had upon that information?—It appears that there was judgment against the defendant for want of a plea.

Judgment went against him on the ex officio information, after the bill had been ignored?—Yes.

In the courts of Dublin are there not two kinds of grand juries; term grand juries, and commission grand juries?—There are; and in Dublin a third, namely, the sessions.

But in no other part of Ireland are there three?—None that I know of.

The term, the commission, and the sessions, are peculiar to Dublin?—Just so.

In other counties of Ireland, there are the term and the commission?—There are the assizes and the quarter sessions.

Will you state what the sort of bills are that are preferred before the commission grand juries?—All felonies, all crimes in short within the city of Dublin that are preferred to any grand jury, except what are tried at the quarter sessions; in short, they appear to me to do the criminal assizes part.

Felonies and misdemeanors?—Yes; all the money transactions are taken from them.

But the commission grand juries deal with the charges of felony and misdemeanour?—Yes.

What do the session grand jury deal with?—They dispose of minor offences.

Minor criminal charges?—Yes, precisely; namely, assaults and petty larcenies, and other misdemeanors in short.

But matters of a criminal description?—Yes, matters of a criminal description; they also, I understand, present some money to their officers, and for certain local purposes; that is the session grand jury.

So that the sessions grand jury not only deals with petty offences of a criminal nature, but also with presentments respecting money to their officers?—So I have understood.

What do the term grand juries deal with?—The term grand jury present all money, with reference to Dublin, that is usually presented at the assizes.

Will you explain what you mean by the grand jury presenting money; what they do?—They present money to be raised off the city of Dublin for all public purposes.

To be raised on whom?—On the citizens.

In what way is it raised upon them?—Under those presentments.

Are they assessed according to their property?—The assessment takes place, I believe, with reference to ministers money, as it is called.

For what purposes is the money raised, which the term grand juries present?—A variety of purposes.

Will you name one or two?—For the gaols; all public works.

Roads?—Yes.

And bridges?—All within the city of Dublin; in short, it is a grand jury cess, as it is called.

Lighting and paving?—No.

Salaries to officers?—

[The witness was directed to withdraw.]

[The witness was again called in.]

You say the term grand juries present money, that is to say, order money to be levied for bridges, roads, and other public works; do they order money to be levied for any other expenses?—The gaols, penitentiaries, all those public buildings; in short, all monies presented off the city of Dublin, that is not presented by the sessions grand jury, is presented by them; all public expenses.

Do the term grand jury and the sessions grand jury, taken together, levy money for the payment of the salaries of different officers?—They do.

What sort of officers?—Clerks of the crown.

Any other officers?—Clerks of the peace; they are called the town clerks in the city of Dublin; for them a very considerable levy takes place, for a great deal of business is done in the sheriff's court; all gaolers and keepers of prisons, sheriffs fees; all demands of that sort.

Any other officers?—There are other minor officers belonging to the court, the officers of the court of King's Bench, and the officers of the commission court.

*Mr.
Benjamin Lilly.*
First Day.
(May 3.)

All those they levy the money for?—They do.

Are those, or any of those, officers appointed by the corporation of Dublin?—The town clerk is of their appointment, I apprehend.

The gaoler?—Yes, and the gaoler.

Any of the others?—The sub-sheriff.

Do any other officers, that you recollect, appointed by the corporation, receive salaries levied by the grand jury?—I am not an officer of the term grand jury, therefore my knowledge upon that score is not so extensive as it otherwise would be; I cannot charge my memory at present with any other officers; their presentments are very considerable.

Do you recollect any other purposes for which monies are levied by the term grand jury, besides those you have mentioned?—I cannot charge my memory, at present, with any others.

The expenses of the prison, and clothing and providing for the convicts?—Of course, I mentioned the gaol and the penitentiaries.

Who gives the contracts for the clothing of those?—The grand jury appoint. I apprehend, the expense of bread and milk, and all those matters for the gaol, is very considerable.

Who give the contracts for those?—I apprehend the grand jury.

By open bidding?—I do not know.

You do not understand that word?—I understand it perfectly.

Open bidding is when an advertisement is made, and any person tenders, and that person is accepted who offers on the cheapest terms?—I have already mentioned, I am not their officer.

It is not done by open bidding, you say?—No, I did not say so; I said, I was not acquainted with the form.

You do not know whether it is done by open bidding or by close contract?—I do not.

Who are the present sheriffs?—The sheriffs elect, I understand, are Mr. Arthur Perrin and Mr. Samuel Lampray.

Mr. Sheriff Thorp and Mr. Sheriff Cooper are in office at present?—Yes.

When were the sheriffs elect appointed to succeed the others?—Their appointment has been recent, within this month; they come into office in September.

Do you happen to know whether they were on the grand jury which ignored the bills against Haadwich and Graham?—They were; both of them.

Do you know anything respecting the details for the expenses that are submitted to the consideration of the grand juries in the city of Dublin?—I am not acquainted with the entire detail; I have looked over the presentments, as they have been printed; they are printed after the term.

Respecting contracts, have you never heard that there is a public competition for supplying the prisons with bread and meat, and clothes, and so on?—I declare I do not know; it may be so, but I am not aware of it.

Are you aware, that any person contributing to the payment of the grand jury levies, is able by law to traverse any presentment of a public kind that he thinks unfair and unjust?—I apprehend that all presentments are traversable.

Do not you conceive, from your knowledge of the citizens of Dublin, that if any unfair presentment was passed by the grand jury of the city of Dublin, that would be instantly traversed?—I should rather hope it would.

If any improper practices are said to exist in the levying of money upon the citizens of Dublin, do not you think that the citizens are more to blame than the grand jury, if such practices exist, for not traversing the presentments?—Very likely; I may be erroneous, but I would not come to that conclusion.

[The witness was directed to withdraw.]

[The witness was again called in.]

Has not any person in the city of Dublin, or, according to your experience, in any county of Ireland, who pays the grand jury cess, a right to traverse, if he thinks any presentment unjust and unfair?—I always understood so.

As clerk of the crown, you can, perhaps, give a more decisive answer than that you always understood so?—In the counties on the Home circuit, I know the fact; with respect to the city of Dublin, I believe it to be so.

At whose expense would the person traverse the presentment; at his own expense, or the charge of the county?—At his own expense.

You

557
Mr.
Benjamin Flagg.

First Day.
(May 2.)

You have referred to the ex-officio information which was tried in the year 1811; when was your recollection first called to the filing of that ex-officio information?—This day.

Has it not been called to your recollection before this day?—No, it has not.

You have referred to documents this day, which prove a perfect accuracy of knowledge of the period, and the particulars, and the result of that ex-officio information, so filed in 1811?—I have.

Will you explain to the House, how you happened to be in possession of those peculiar documents, that have enabled you to refer to, that particular transaction to which your attention was only directed this day?—With respect to the indictments, I was informed by letter from the clerk of the crown, under whom I held a deputation, that he was applied to, for copies of indictments; they were in the commission court, of which I am an officer; they came over; he informed me that they were transmitted to London, and that he had examined them, that they were correct, and he called upon me to countersign them; I examined them, I compared them with an attested copy of the ex-officio information, of which attestation I know the officer and the signature, and upon that comparison I ascertain the fact.

You have not stated from what date those indictments were sent from Ireland to you?—I have the letter in my pocket; it is dated "Tuesday evening, 29th April."

You say there was a roll of indictments sent from your office, from what period?—I was misunderstood; accredited copies of the indictments marked by the clerk of the crown as being correct, and calling upon me to countersign them; this letter informed me of their arrival.

Of what period were those indictments?—Of October 1811; the caption to the indictments states the period, and the information appears to be filed in Michaelmas term 1811.

Did the present crown solicitor in Ireland act in that capacity in October 1811, to your knowledge?—The crown solicitors at that time were the Messrs. Kemmis, Thomas and William Kemmis, of which the elder of that firm is dead.

Mr. William Kemmis is the present crown solicitor?—He is.

Did he act as such, in conjunction with his father, in October 1811?—I apprehend he did; he was young, however, and probably the greater part of the business was transacted by his father; I am not exactly aware of the course of his office.

Have you an equal knowledge with him of those records in the office?—I have no knowledge of the ex-officio information that did not remain in my care; I have knowledge of the indictments in my court; but of the ex-officio information I have none.

You have stated, that you have recently seen an attested copy of an ex-officio information, in the case of Sir Edward Littlehales; where did you see that copy?—I saw that copy this morning, in the office or study of Mr. Blake.

Who is Mr. Blake?—A gentleman at the bar, I believe; I do not know much of him.

Was that sent to you, or was it sent to Mr. Blake to be given to you?—I apprehend it was sent to Mr. Blake; I take for granted so; it was shown to me there.

Was it sent to Mr. Blake, or was it sent to the attorney general?—I declare I do not know; I did not see the envelope. The attested copy of the information was exhibited to me; I compared it with the indictment, and found the offence to be the same accurately; the same transaction; and I saw that the information was attested by Mr. Bourne, whom I know to be the clerk of the crown in the court of King's bench, and with whose hand-writing I am perfectly familiar.

Were not the attested copies of the indictments, and the information produced by the attorney general for Ireland, at Mr. Blake's?—I think they were.

What do you mean by their being produced by the attorney general to you; did the attorney general give them to you, or did Mr. Blake give them to you?—It was in the office or the study of Mr. Blake.

Was the attorney general present?—I think it was the attorney general presented them to me.

Have you been in communication with the attorney general since you have been over, upon this subject?—I have been here but a short time, and he has had recourse to me, and has asked me questions.

You hold a public situation under the crown?—I cannot say that it is.

You are clerk of the crown?—I am only deputy.

Mr.
Benjamin Ellis.

First Day.
(May 24)

By what tenure do you hold that situation?—I may be removed to-morrow; I have no certainty of the tenure under which I hold; the gentleman who holds the patent has it for his own life, and his son's; but, I believe, I may be removed at any moment.

By whom?—By the gentleman who has the patent, under whom I hold the deputation.

You are removable at his pleasure?—I apprehend so.

You are not certain of the fact?—I have heard it stated by gentlemen of great eminence at the Irish bar.

You are convinced that is the case?—That is my conviction.

You state, that you think it was the attorney general who gave you the attested copies of the informations that were filed in 1821; are you not quite certain that it was the attorney general of Ireland who gave you the copy?—I am quite certain it was he presented it to me; I was asked where, at first, and I mentioned that.

You were asked, "Who gave it you?" and you said, "You thought it was the attorney general;" are you not quite certain that it was the attorney general?—I am quite sure it was.

You know His Majesty's attorney general well?—Yes, perfectly well.

You say, you conceive yourself to be removable at pleasure by the person under whom you hold; have you any knowledge, whether he is removable or not?—I have already mentioned, that he holds his patent for his own life and his son's, and therefore, except by *scire facias*, I believe he is not removable.

You stated, that you were shown the ex officio information by the attorney general; was that for the purpose of comparing it with the indictment?—It was; and I now recollect distinctly, that I did compare it with the attorney general.

Was that indictment in your possession?—I was informed of its arrival, but it came under cover, I believe from the Post Office or the Castle to come free; it did not come to me, but I was informed of its arrival by the letter in my pocket.

Were you the person to whose custody it ought to have come?—I do not think that was material.

Was it directed to you?—No.

To whom was it directed?—The letter was probably directed to the attorney general; but in the same packet I received my letter.

The indictment did come into your possession at last?—It did.

And it was for the sole purpose of comparing the ex officio information with that indictment that the attorney general showed it to you?—And of attesting it, which I have done.

You know the hand-writing of the person who has attested it?—Perfectly.

It was for the sole purpose of your knowing that it was the hand-writing of that person, and of comparing it with the indictment, that it was shown to you by the attorney general?—Exactly.

The panels have been in your possession?—They have been; I brought them over with me in my trunk.

Have you had any other communication with the attorney general, except on the subject of this inquiry?—Not the least.

Is it, or not, within your knowledge, that in consequence of a great interest taken in those trials in the city of Dublin, almost the whole of the panel of fifty, sworn and unsworn, did attend?—I am not able to answer the question: I called the panel only down to a certain place; and whether more attended, or not, I really do not recollect.

Is it in your knowledge, whether the corporators of Dublin have, or have not, generally, a precedence on those panels?—I do not think they have, because on looking at the sworn grand jury, in now no less than nineteen instances, I find that upon many of those grand juries, there were none; no corporators; on some, one; on some, two. Now, for example; in a panel amounting to a hundred and seven, of which a hundred and five were called, there were but two common councilmen sworn on the grand jury.

Was it usual that those who were corporators of Dublin, stood at the head of the list?—I believe that is a matter into which I am to make an inquiry; I have not taken any account of the order in which corporators attend.

[The witness was directed to withdraw.]

[The Chairman was directed to report Progress, and ask leave to sit again.]

2.

House of Commons.

MINUTES OF EVIDENCE,

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of Dublin.

Lunæ, 5^o die Maii, 1823.

SIR ROBERT HERON, Baronet, in the Chair.

Mr. BENJAMIN RIKY called in;
And further Examined.

HAVE you any returns to present to the Committee?—I have.

[*The witness delivered in a Paper; which was read, as follows:*]

"A TABLE of the several Panels of Grand Jurors returned by the Sheriffs
"of the City of Dublin, &c."—See the Table at the end of this day's
Minutes, marked (A.)—p. 53.

IN your testimony on the former evening, you stated, that the grand jury took the best part of two days to consider of the bills of indictment?—They took from two o'clock until five on Wednesday, and a considerable part of Thursday, from an early hour, I think about ten, until towards two.

Do you know what became of bills of indictment between the two days?—They were delivered to me.

Were they returned to the grand jury on the second day, in the same state that they were in the first day?—They were not exactly.

Will you state what difference was made in them?—There had been an error in the indictment, which I, in the course of my business in the evening discovered, and I pointed it out to the counsel for the crown in the morning, and that error was corrected.

The bill of indictment was altered?—It was.

Who altered it?—The crown solicitor.

Do you conceive that any person has a right to alter a record of the court; have you ever known an instance of a bill of indictment being altered while under the consideration of the grand jury?—I have.

State the instance?—Frequently at the suggestion of the grand jury themselves.

With or without the leave of the court?—Without the leave of the court.

Did you ever know it at the suggestion of a prosecutor?—In some degree it is at the suggestion of the prosecutor, for he is under examination in the grand jury room, and if it appear that a matter of fact is erroneously stated in the indictment,

308.

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Mr.
Benjamin Riky.
Second Day.
(May 5.)

Mr.
Benjamin Bully.
Second Day.
(May 5.)

it is returned to the officer to correct it: the clerk of the crown, if it is a government prosecution.

Was this alteration by the desire or with the cognizance of the grand jury?—The alteration took place at my own suggestion.

Was it at the desire or the suggestion of the grand jury, that the alteration was made?—It was not.

At whose suggestion or desire was it made?—I believe at mine.

You mentioned that it was by the counsel of the crown?—I discovered the error in the course of the evening, when I came to enter the indictments, that is, to form an abstract for the judges, and the next morning I suggested that the indictment contained that error, to, I think, the solicitor general.

What was the error?—The error was merely this: the offence took place on the 14th of December, as well as my memory serves me; the indictment stated that it was in the fourth year of the King's reign; I knew that it was in the third; and I suggested the alteration from the fourth to the third.

Did you hold yourself authorized to make that alteration without the leave of the court?—I did not make it.

Who did make it?—I have already stated that I made the suggestion to the solicitor general; Mr. Townsend was also in court; he was disposed to think the indictment was right;—however, on examination, the indictment was found to be wrong, and it was amended by the crown solicitor.

With his own hand?—He took the indictment into the chamber; I suppose he did not wish to be seen doing any act with respect to it in the court; he took it into the chamber, and it was there done.

Why do you think he did not wish to be seen doing any act with respect to it in open court?—The court was very crowded.

Why should he not wish to be seen doing any act with respect to it in open court?—I declare I do not know; it was an awkward place to engross or do any thing to an indictment there.

Why should he be ashamed?—I do not know that he was ashamed.

Why should he wish not to do it in open court?—I declare I do not know; I state the fact; he withdrew to the chamber, which was just in the rear of the court; it occurred in twelve or fourteen places, the fourth year of the King's reign.

If that bill of indictment had been found by the jury in the state in which it was originally presented, could the persons, if found guilty, ever have been brought up for judgment?—I think it ought to have been quashed; but I am pronouncing an opinion, which perhaps, I ought not.

It was the crown solicitor that made the alteration in it?—Yes, from the fourth to the third; I believe so; it was to him I gave it, and he withdrew with it.

Were there any other alterations made but that in it?—None that I know of.

The alteration was a mere matter of form, and not of substance?—Exactly so; the bill of indictment was not acted upon by the grand jury at that time.

There was no indorsement upon the indictment by the grand jury before the alteration was made?—None.

That indictment might have been withdrawn, and another more accurately drawn presented?—Exactly so.

The alteration was not made before the indictment went up before the grand jury?—The indictment went up on the Wednesday; a number of witnesses were examined; and it was returned in the evening.

Returned found?—No, nothing was done upon it.

It was before the indictment was found that the alteration was made?—Yes, certainly; I could not have suffered an alteration to be made in the indictment after the grand jury had acted upon it.

Is it not your duty to make out the book for the judges from the calendar you get from the gaoler?—From the indictments.

How many persons were in this indictment, of which you have been now giving evidence?—I believe there were ten.

Was there any interlineation of a name after that indictment had gone up to the grand jury?—None that I know of.

Was there any interlineation at all in it?—I believe there are interlineations in the indictment.

Of names?—Of names.

That indictment charged certain persons with a riot and a conspiracy?—It did; there were two bills.

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Mr.
Barfessin Rely.
Second Day.
(May 5.)

How did those persons appear to you, from the gaoler's calendar, committed, under what charge?—As well as my memory serves me, their cases were distinguished upon the calendar.

Will you be kind enough to distinguish to the House, what was the highest crime that any of those men were charged with on that calendar?—It must however be understood I am speaking from my memory, of the charge of conspiracy to murder, as affecting some of them.

How many were committed under a charge of conspiracy to murder?—I believe there were three.

Do you remember their names?—James Forbes was one; one of the Handwicks, but which I cannot recollect, I think it was the second; and I believe one of the Grahams was the third. There were two of each name, two Handwicks and two Grahams.

Perhaps you can refresh your memory, and state the person they were charged with a conspiracy to murder?—Perfectly. His Excellency the Lord Lieutenant.

They had lain in gaol under this charge a considerable time?—For some days.

Without bail?—Three of them appeared in custody on the gaoler's calendar returned to me.

You probably recollect the time that those persons were committed; did it not make a very serious and very awful sensation in all Dublin?

[The witness was directed to withdraw.]

[The witness was again called in.]

Do you recollect an address from the lord mayor and a body of the respectable corporation of Dublin, upon this unfortunate affair, an address of congratulation to the Lord Lieutenant on his escape?—I do.

Have you any recollection of the gentlemen who signed the requisition, or any of them, for calling that meeting?—It was signed by a great number, and amongst the rest by myself.

Do you recollect being asked, the other day, about a Mr. Moore, who was one of the grand jury?—I do.

Was not he one of those who signed that requisition, and one of the first?—I declare I do not know; there were a great number, and I signed my name, and the names of two others who directed me to do so; I did not see his name, but I think it is very likely that he did.

Do you know whether any of the grand jury, and if so, how many, signed that requisition?—I cannot charge my memory with that.

Do you know Mr. Chambers, a solicitor of Dublin?—I do.

He was the solicitor for Mr. Forbes, one of the persons indicted?—He was.

Is that the gentleman who now sits at the side of the Sheriff, as his confidential adviser?—That is the gentleman; a very respectable gentleman.

You stated, the other day, that the panel returned for the trial of the rioters, consisted of fifty; all the former panels, in the prior years, having been, at the least, sixty; in point of fact, do you know why the panel in question consisted of fifty only?—I do not know the cause.

Do you know whether, being elected as common councilman is not considered as an exemption from serving on the commission grand juries?—I do not know that it operates as an exemption.

Is it considered as a favour for a common councilman to be put upon a commission grand jury?—I had rather understood it to be a favour to be off of it.

Do you know, whether the usual practice is for the sheriff to return an open panel, or a signed one, for the grand jury?—A signed panel.

Do you mean, that the panel is signed in the first instance, or that it is first returned, without signature, and afterwards signed in court?—Signed in the first instance.

Were you present at the time that this grand jury was returned?—The sheriff handed me the panel.

Were you in court at the time, and did he hand it to the proper officer?—The sheriff handed it to me, as the proper officer.

Do you recollect any observation made by the court considering the number of traversers, as to the propriety or impropriety of returning so small a panel?—I do not recollect.

Mr.
Benjamin Hall.

Second Day.
(May 5.)

According to the practice in Dublin, after a panel is signed by the sheriff, can any be added to it?—Does the question allude to a grand jury panel?

The question refers to a grand jury panel?—If there is not a sufficient number on the panel as returned, the sheriff frequently adds to it.

With reference to the common jury panel, the jury to try, is that returned as a signed panel?—It most usually is.

After it is signed, can any person be added to it regularly?—That is almost a legal difficulty.

The question is, what is usual?—I have known the sheriff directed to take his name from the panel, in order that he might have an opportunity of enlarging it.

Were you by at the time the petit jury were called before the court?—I was in the court of King's Bench when the jury were called over to try the *ex officio* information.

Do you recollect any observation being made by the court at that time, as to the smallness of the panel returned?—I cannot distinctly bring it to my recollection.

Any thing said as to the number of traversers?—At some period or other I remember the observation falling from the court, but when, distinctly, I cannot bring to my recollection.

What was that observation?—It was with reference to the small number of jurors returned.

Was it stating that they were too small?—Yes, with reference to the smallness of the number.

Finding fault with the smallness of the number?—That was the impression that it made upon me.

Was not that at a subsequent commission?—It was not at a commission at all.

It was not at the commission where this grand jury was impanelled?—It was at the trial of the *ex officio* information.

It had nothing to do with the grand jury, with reference to which you have been examined?—No.

Who was the presiding sheriff to that commission?—It was a trial at bar, in the court of King's Bench; the same sheriff who returned the grand jury.

If the panel had been double the number that it was, would it have made any alteration in the persons who were sworn on the grand jury at the commission?—Of course those that followed afterwards, would not have been called when the first six-and-twenty of the grand jury appeared.

It would have made no difference?—No.

Do you know how many of the January grand panel are to be found upon the preceding panel in October?—To the best of my judgment I have ascertained it; I think sixteen.

Sixteen are to be found upon the January grand panel that were on the October panel preceding?—I think so; but I beg to mention that the sheriff is in possession of all those panels, and he has the same opportunity of examining them that I have, and if I am in error I should be very glad that he should set me right.

You have both panels with you, have you not?—I have.

And you believe that to be the number?—I do.

You stated that you were in the court of King's Bench when the jury were impanelled to try the *ex officio* information?—When the jury were called over; I was brought there as a witness.

Did His Majesty's attorney general challenge a great number upon that panel?—There were a number set by on the part of the crown.

Do you know how many?—I do not.

A very unusual number; have you ever seen more put by than on that occasion, did you ever hear that nine-and-twenty were put by?—I never heard the number.

Do not you believe that nine-and-twenty were the number?—I believe there were a good many, but I cannot speak to the number.

Do you know who was the foreman of that jury?—I do not recollect.

Can you ascertain by referring to the jury; have you it with you?—I have it not.

Would you know the name if you heard it?—I think I might.

Do you think Mr. Francis Mills was the foreman?—I believe he was.

Was Mr. Francis Mills upon the commission grand jury panel in January?—I do not know.

You can ascertain that fact by referring to the panel?—I can.

Have you the panel with you?—I have.

Will

Mr.
Benjamin Rife.

Second Day.
(May 5.)

Will you have the goodness to see, whether Mr. Francis Mills was upon that panel?—If I had had the least notice of the question, I would have referred with pleasure, before I came here; [*the witness referred to the panel*] I find that he is.

Then the foreman of the jury, to try the ex-officio informations, was one of the grand panel of January 1823?—He was one of the panel.

Was he one of the first that was called on the jury, to try the ex-officio informations?—I do not know, indeed.

Do you not recollect, that many were called before his name was called?—I do not; I am not the officer of the King's Bench; I did not act on the occasion of that trial; I was there as a witness.

You were understood to say you were there; but you do not recollect that circumstance?—I do not.

Is there any other person upon the jury, that tried that ex-officio information, to be found upon the grand panel in January 1823?—I do not know.

Do you know whether Thomas Fry was on both juries?—I will refer, and state whether he was on the panel in January 1823; [*the witness referred to the panel*] Thomas Fry, of Dame-street; I find that he is.

Then one-sixth of the jury impanelled to try the ex officio information is made up of the grand panel of January 1823. You stated, on Friday evening, that you were not acquainted with Mr. Moore?—I am not acquainted with him. If by that answer is understood that I do not know his person, I beg to set that right; but if it is understood, that I have no intercourse with him as a friend or companion, my answer is right; there is scarcely a citizen in Dublin that I do not know.

Do not you know him tolerably intimately?—By no means:

Did not you meet him, and shake hands with him, before you appeared at the bar of this house on Friday evening; and ask him, what sort of a passage he had from Dublin?—I declare I do not know.

You do not know whether you met Mr. Moore on Friday before you came here, and asked him how he did?—I do not recollect the circumstance.

Have you met him at any time since?—I think I met Mr. Moore very shortly after I left this House.

What did you say to him?—There were a great number of persons gathered round me, gentlemen from Ireland, shortly after I left the bar, and they seemed very anxious to know what had kept me so long; what had been asked of me. I did not wish to appear mysterious, and I said (I believe it was to Mr. Moore; I am not quite sure, I thought it as good a way of getting rid of it as any other) that I had been asked whether I knew him.

Did not you say, " Moore, I should know you much better, if you asked me two or three times to dine with you " !—I do not recollect that I did; I never did dine with him, certainly.

But you would like to dine with him?—I know Mr. Moore as a gentleman of Dublin attending on grand juries, and meeting him in that way, and no other.

Do you know whether Mr. Moore is not brother-in-law to the provost of Trinity college in Dublin?—I declare I do not know; I believe I mentioned that I am aware he is a very respectable gentleman.

Do you know Mr. Moore, the solicitor, in Dublin; a neighbour of yours?—Yes, perfectly well; he is a most respectable gentleman.

Do you not know that he is brother to the gentleman on the panel?—I really do not know, but I always understood he was a most respectable gentleman.

If you did not know a gentleman, would you shake hands with him?—I have already mentioned that I knew him as a citizen, and have been in the habit of meeting him as such, and very likely meeting him here I should shake hands with him; if he offered me I certainly should.

Do you recollect the members on the panel of petit jurors that tried the ex-officio information?—I do not.

Do you recollect any of the Bank directors of Dublin having been challenged by the crown on the petit jury?—I do not recollect all the Bank directors of Dublin; I cannot bring to my recollection any such circumstance.

You do not recollect that circumstance having happened?—No.

Then in point of fact the law officer of the crown felt it incumbent upon him to object to a greater number upon this panel than on usual occasions?—Yes, it appeared so.

Mr.
Benjamin Rilly.
Second Day.
(May 5.)

You have stated that a gentleman of the name of Mills was upon the panel for the commission grand jury; please to inform the Committee what number he appears upon that panel?—N^o 29 on the panel.

You also mentioned a gentleman of the name of Fry; what was his number upon that panel?—Mr. Fry stands 37 on the panel.

You have been asked respecting meeting Mr. Moore; you have stated that you have a mere personal acquaintance with Mr. Moore; it would be no unusual thing if you met a person in London whom you knew in Dublin, for you to shake hands with him, and wish him joy in England?—It would not.

Have you the precept for returning the grand jury here?—No, I have not; I received no order to that effect, nor any intimation that it would be asked of me.

Do you recollect the number specified in the precept?—There never is any number specified in the precept; I ask your pardon, the precept, I think, mentions twenty-four.

Are the names of the grand jurors always called over in the order in which they stand upon the panel?—Always.

Do you know, whether the two jurors who served upon the ex-officio information, and who had been upon the grand jury panel, had been among the number of those who were or were not sworn?—The two persons, Mills and Fry, were not sworn on the grand jury; they were merely on the panel.

Within these few years, has it not been usual to call Roman catholics no grand jurors?—I have known it occur frequently latterly.

In the counties in which you serve as clerk of the crown?—And in other counties too.

You act as clerk of the crown in a great many counties; and in a great many of those counties, do you not recollect Roman catholics being called upon the grand panel promiscuously with others?—I have; and sworn.

Were there any called upon this grand jury, as to which you have been examined, as far as you recollect?—I am not acquainted with the persuasion of every man on that panel; I believe there is not.

Were you present when the result of the trial of the ex-officio information was announced in the court, by the withdrawal of a juror?—I was not in the court at that instant.

You have no knowledge of any ulterior proceedings being intimated by any person, to be taken after the result of a juror being withdrawn?—I have no knowledge of it.

Mr. Terence O'Reilly, called in; and Examined.

WHAT is your name?—Terence O'Reilly.

What is your situation?—An attorney.

How long have you been in that profession?—About six years or probably eight, since 1809; I meant to say sixteen, that would be probably near the time, the precise time is not in my recollection.

Where have you resided carrying on that profession?—In the city of Dublin.

Were you residing in Dublin at the time that the commission jury was sworn in January last?—I was.

Do you remember when the bills went before the grand jury?—Perfectly.

Were you in the court, or in the neighbourhood of the court at that time, when the bills were before the jury?—Alternately in the court and in the neighbourhood of the court during the two days, the first and second days of the commission.

On either of those days did you see Mr. Sheriff Thorp?—Frequently.

Were you present when it was announced that the bills were ignored?—I was.

To whom was that announced?—It was announced in the office of the clerk of the crown, Mr. Allen and Green's office in Green-street; in an office adjoining the court-house, in the same building with the court-house in Green-street, Dublin.

Where you in that office at that time?—I was.

Were any other persons there within your recollection?—There were.

Can you name them, or any of them?—There were a variety of persons going in and returning; it was an office of public intercourse, and a great number of persons occasionally go in, and retire; at that particular instant I do not recollect that there were many persons; the conversation alluded to, was directed chiefly to a gentleman of the name of Ward, a professional gentleman, who was I believe, I know nothing about the relationship, but there was certainly a friendship between him

Mr.
Terence O'Reilly.

567

him and Sheriff Thorp, and in consequence of that, I conceive that he directed his conversation solely to him; I was perfectly unacquainted with Sheriff Thorp, consequently he could not direct his conversation to me.

[The witness was directed to confine his answer strictly to the questions asked of him.]

Was Sheriff Thorp in that office?—He was.

How near to the time of the news arriving of the bills being ignored?—From an hour to three quarters of an hour previous.

You mentioned the word conversation, did you at any time hear Mr. Sheriff Thorp make any observation to that Mr. Ward, or to any other person in your hearing, at the time you have now alluded to?—He came into the office where I was, and said, "There will be no bills found; have not I managed it well? and my business being done I have no further here."

Did he say any thing farther?—I do not recollect that he did.

How was he dressed at that time?—He had his appointments of Sheriff, his cocked hat and sword; those are the appendages; he took those off; the hat I am not quite positive about; he put on his surcoat, and was helped on with it by Mr. Ward, and immediately went away, as if to communicate the news elsewhere.

How soon after he had used those expressions, did he go?—Immediately after he had used those expressions, he made the change of dress and went out.

Did you hear him say any thing else?—No.

That was not addressed to you, you say?—No, I do not conceive it was addressed to me, for the reason I have mentioned.

Do you know any other person who was present at the time, besides Mr. Ward?—There was Mr. Macnamara also present.

Who is Mr. Macnamara?—He is an attorney.

Did you mean to say that he had nothing further to do there?—Yes, at that place.

Will you state at what hour of the day this took place?—I think to the best of my recollection, it was between two and three o'clock in the day.

How many persons were there in the room, besides those you have mentioned?—I have mentioned every person that I recollect.

That is, that you knew; but were there more persons in the room?—I could not state, for it is an office of public business, as I have mentioned; and persons frequent it in going in and returning, so that I could not mention any, except those I have mentioned.

How many have you mentioned?—I mentioned four; Sheriff Thorp, myself, Mr. Macnamara, and Mr. Ward.

Do you suppose there were any others in the room?—I dare say there were, but as to the identity of them, I cannot speak to that.

Were there any clerks in the room?—Not to identify any of them; I am quite sure there were not then; I was standing behind the counter, and there were but three there; and it is the usual place where clerks were, that I was.

Who were the three that were behind the counter?—The sheriff, Mr. Ward, and myself; and Mr. Macnamara was standing at the place to go in, just behind the counter; those were the persons that attracted my attention, and that I knew.

Did Mr. Sheriff Thorp say this in a loud tone of voice?—He did, in an exulting manner; I do not know his mode of articulation, but he certainly spoke it loud enough to be heard.

Did he speak it as loud as you are speaking now?—I rather think not.

But so that it could be heard by any person who was in the room?—Yes.

Any person who was in the room then might have heard it?—I rather think that if a person's attention was attracted to the subject he would have heard it, but every person might not.

Were there, or not, other persons in the room besides those you have mentioned?—There might, or might not; there must have been an influx, of course; persons coming in and out; particularly at a crowded session, which that was.

Do you know Mr. Ward?—I do.

Does he know you?—Yes.

Did you speak to him that day?—I did.

Had you any conversation with him about the probable finding of the jury?—I am not quite certain; Mr. Ward will of course tell you, if I did.

You do not remember whether you had any conversation with him upon the subject?—No, not particularly.

308.

Did

*Mr.
James O'Reilly.*

*Second Day.
(May 5.)*

Did Mr. Ward go out of the room at the same time with Mr. Sheriff Thorp?—He did not.

Did you make any observation to Mr. Ward afterwards, respecting the declaration of Mr. Sheriff Thorp?—I am not quite sure whether I did; I do not recollect the precise conversation that might have occurred.

Have you ever mentioned to any person that you had a conversation with Mr. Ward?—No, never.

That you are quite sure of?—I am quite sure of that.

When did you first mention this declaration of Mr. Sheriff Thorp after you heard it?—Whenever the subject came to be discussed.

When did it come to be discussed?—It occurred very often; it has been the subject of animadversion and observation for a length of time.

When did you first mention it?—I do not recollect having mentioned it at any particular time so that I could state it exactly, until I was applied to as to giving evidence as to another fact, which I was not competent to do; and I stated my incompetency to do it.

Who applied to you to give evidence as to that fact?—A Mr. Costelow, an attorney.

Was it a fact connected with this inquiry?—I do not know; it was certainly connected with this inquiry; respecting some juror, or something of that sort.

Can you recollect to whom you communicated this fact after you had mentioned it to Mr. Costelow?—I did not mention this fact to Mr. Costelow. It was another fact that Mr. Costelow required of me to establish; which I was unable to do.

To whom did you mention this fact first?—To Mr. Plunket; young Mr. Plunket.

Who is young Mr. Plunket?—The attorney general's son.

When?—On, I think, to the best of my recollection, Monday or Tuesday last.

Then you are to be understood, that from the time of your having heard that conversation, until you saw young Mr. Plunket, you were perfectly silent upon the subject?—I do not say that I was perfectly silent upon the subject; but I do not remember any particular occasion on which I mentioned it.

Do you remember any particular person to whom you mentioned it previously to Monday last?—I do not, previous to the communication with the attorney general's son.

Do you believe that you mentioned it to any one in the interim?—I do believe I did to many.

But you cannot distinguish one?—I cannot.

You do not remember them?—I do not.

But you are clear you had no conversation with Mr. Ward upon the subject?—Perfectly clear.

After Mr. Thorp left the room?—After Mr. Thorp left the room.

You did not mention it to him?—I did not.

What induced you to communicate with Mr. Costelow upon the subject?—I never communicated willingly with Mr. Costelow; he stopped me in the hall of the court where we were in the habit of meeting each other, and asked me whether I was aware or recollected the circumstance which occurred at the commission.

What circumstance was that?—With respect to a juror that wanted or wished to be on that grand jury; I mean the grand jury of January 1823; and I told him I was quite ignorant on that subject, and could give no evidence whatever of it, that I was most anxious not to give any evidence upon the subject, and that I would feel greatly obliged to him not to press any thing upon me; that I was circumstanced in a way now that it would be vital to my interests in a variety of ways to come forward.

Was that grand juror's name Poole?—It was.

When had you this conversation with Mr. Costelow?—The same day that I had the communication with the attorney general's son.

On Monday last?—I think about that, Monday or Tuesday.

Will you state where you were when you heard the news of the bills being ignored?—In the clerk of the crown's office, the same I have described.

You never quitted that office from the time of your seeing Sheriff Thorp, until you heard the news?—I never quitted the building; I had occasionally been in court, which was just across the hall.

Being a portion of the same building?—Yes.

Mr.
Tarnace O'Beilly,
Second Day.
(May 5.)

Had you never quitted the building, from the time you heard Sheriff Thorp say this, till you heard the news?—Never.

As nearly as you can, state what was the interval between your hearing Sheriff Thorp say this, and your hearing the news?—About three quarters of an hour.

Do you come here by order of this House?—I came here by order of the crown solicitor, who told me, with young Mr. Plunket, there had been an order moved for; and in order to get a speedy return, I came here in order to give my evidence, and get back to my professional pursuits and my family.

The order of this House never reached you?—It did not.

Then you are a volunteer?—I am so far.

The order of this House has never reached you?—It has not.

When did you leave Dublin?—On Friday morning.

Where have you been, since your arrival in London?—In one of the hotels.

What hotel?—I do not recollect the name of it; I have never been here before; I believe it is the Saracen, near Charing-cross.

Where will you go, when you go home to bed?—To N° 5, Northumberland-street.

Is that where you have been since you came here?—It is.

Why did you not state that?—Because I never slept there yet.

Where have you slept?—I have slept at the hotel I have mentioned.

Where is that?—Near Charing-cross.

What hotel is it?—I do not recollect the name precisely.

Is it the Salopian?—That is the name of it.

Have you been talking with any one since you came to London, with reference to the evidence you are to give in this House?—I have.

To whom?—To Mr. —; I cannot recollect the gentleman's name, he is a lawyer; I should recollect it if I heard it.

Do you know where he lives?—I do not know the name of the street.

Could you find your way to him again?—I do not think I should.

You would know the gentleman's name, if you were told it?—I would.

Or if he was shown to you?—Yes.

Is it Mr. Blake?—That is the gentleman.

And you say, you were not acquainted with his name?—I say I forgot it at the instant.

Were you with him to-day?—I was.

Who told you to go to Mr. Blake?—I called at the attorney general's this morning, and told him that I had arrived; he was not aware that I had, I believe, until I did come. He felt obliged, he said, for my prompt attendance, and requested I would call on Mr. Blake; which I did.

What did he mean by your prompt attendance?—Coming, probably, without the order of this House.

And he begged you to go to Mr. Blake?—He did.

And you went accordingly?—I did.

What conversation had you with Mr. Blake?—As to the evidence I would give to night.

Did he question you upon it?—I wrote down for him the evidence I could give.

Did he not ask you, what you could give, as to such and such questions?—He did not.

What did he do with the written evidence you wrote down?—I do not know.

You saw him do nothing with it?—No.

Did he talk to you at all upon the subject of the evidence you could give?—Yes, he did.

What did he say?—He asked me the evidence I could give; and I said, the shortest way will be, for me to write it down; and he said, it would; and I wrote it down.

And you had no further conversation with him?—No.

You have not lived in Cotton-gardeo since you came here?—I do not recollect that I have.

Had you any particular acquaintance with young Mr. Plunket?—No.

Or with Mr. Plunket, His Majesty's attorney general for Ireland?—I never spoke to him, but on professional business.

You are an attorney?—I am.

Have you any acquaintance with any member of this House?—I have the honour of knowing many of the members of this House; not intimately.

Mr.
Terence O'Reilly.
 Second Day,
 (May 5.)

Are there any you know more than others?—I think I know Mr. Ellis more than others.

Do you mean Master Ellis, the member for Dublin?—Yes.

You have stated, that Mr. Sheriff Thorp, and Mr. Ward, and yourself, were behind the desk at which the clerks of the office are usually placed, at the time this conversation took place?—Yes.

Were Mr. Ward and you there before Mr. Sheriff Thorp came?—We were.

Are you acquainted with the person of Mr. Sheriff Thorp?—Only with his person; I never spoke to him in my life.

Had Mr. Sheriff Thorp been in the office some time before he said this?—Immediately as he came behind the counter that divides that part of the office appropriated to the clerks from the others, he said this.

Were there any persons in the office besides Mr. Ward and yourself, that Mr. Sheriff Thorp could see at that time?—There were a great many persons going in and out; there was Mr. Macnamara standing on the place as if there was a thing on hinges, that went across to prevent the public intercourse; and Mr. Ward and I were inside, and Mr. Sheriff Thorp came inside the counter.

Did Mr. Sheriff Thorp address this conversation to Mr. Ward, as to a person with whom he was intimate?—Yes, I conceived it so.

You have said you were unwilling to give any evidence, were you rightly understood?—Yes, perfectly so; for I was so circumstanced that nothing but a sense of duty would oblige me to do it; I come here at very great inconvenience.

Do you mean with respect to your private affairs?—My private concerns.

Do you mean to say that you expressed to Mr. Costelow your disinclination to attend?—I did, and to Mr. Plunket too, and to every person who spoke to me upon the occasion.

Were you acquainted with Mr. Sheriff Thorp's person at the time he came into the office?—Except as sheriff I knew nothing of him; I knew him as sheriff, but I never knew him until he was made sheriff.

You have said that Mr. Sheriff Thorp said, the business had been very well managed; was there any allusion to the jury at that time?—I conceive that he alluded to the management of impaneling the jury, by the expressions that he used.

You were understood to say that the words he used were, "there will be no bills found?"—Those were the words.

You are confident those were the words?—Yes.

And he said that in a loud tone?—Yes.

Though you had no previous knowledge whatever of Sheriff Thorp?—He did.

In your hearing distinctly?—Yes.

And you had no previous knowledge of him, except in his capacity of Sheriff?—Yes.

From his dress?—I knew his person as sheriff.

It seems to have made a very strong impression upon your mind at the time; how came it that you never mentioned it to any person until you mentioned it to Mr. Plunket, junior?—I have mentioned it frequently; but the particular persons I am not prepared to name.

You have not named any person except Mr. Plunket junior, to whom you have mentioned it?—There were a great number of persons present besides those; Mr. Macnamara and Mr. Ward, those can vouch for it.

You cannot name any other individual to whom you mentioned it, except to young Mr. Plunket?—No.

At what time did you mention it to young Mr. Plunket?—On Monday or Tuesday last.

Were you rightly understood; did you state Mr. Sheriff Thorp to have used those words in an exulting tone, and in a voice loud enough to be heard by you?—He did.

Are you rightly understood in having begun to say that you probably had conversed, since the occurrence of that interview, with Mr. Macnamara, the other gentleman present?—That is precisely my evidence, that I had talked with Mr. Macnamara.

Did you hear the whole of the conversation that passed between the sheriff and Mr. Ward?—I am not quite sure; they seemed to be very intimate, and I would not obtrude myself any thing more than that which was said so loud.

Are

571
Mr.
Tennant O'Reilly
Sectd. Day.
(May 5).

Are you sure there was nothing said previously to that you have repeated?—Certainly not.

You say that the sheriff left the room as if to communicate the news; what news do you mean?—The news of the bills being thrown out, against the rioters.

Did you not say that this conversation passed three quarters of an hour before the bills were thrown out?—I do.

How do you reconcile it, that the sheriff should leave the office to carry the news of the bills being thrown out, three quarters of an hour before they had been thrown out?—To communicate to his friends in the city, that the bills had been, or would be thrown out.

Do you know whether Mr. Sheriff Thorp had been previously in the grand jury room?—I do not.

Your volunteering to come here was in consequence of being informed that you would have an order from the House to come here?—It was.

And your wish to return as speedily as possible?—It was.

Were you in court when the bills were returned?—I was not; but I was so near that I knew it immediately: I was in the office that just the hall divided.

How long was that after Mr. Sheriff Thorp came into the office?—About three quarters of an hour.

Will you take upon you to say it was not three o'clock when Mr. Sheriff Thorp came into the office?—I do not think it was.

Do you know whether Mr. Sheriff Thorp had been in the habit of employing Mr. Ward as his attorney?—I know nothing about it.

You were understood to state, that the conversation was about one o'clock?—I said about two o'clock, or probably after.

Are you able, from any circumstance, to fix the hour?—The distinct minute I do not know; but I think to the best of my recollection, it was between half after two and two o'clock.

You stated, that you are a very reluctant witness upon this subject; how came you to give any information to young Mr. Plunket upon this subject?—I did not give any information to young Mr. Plunket, until the information of the evidence I was to give was communicated to him; and he asked me whether or not I would give that evidence. I told him I was so circumstanced that I could not attend, and not to call upon me if it could be at all avoided. He said, that it was peremptory for me to attend; he was aware of the evidence I could give, and that he would get an order of this House for me to attend.

Do you know how Mr. Plunket was made aware of the evidence you could give to this House?—I do.

How?—Through Mr. Costellow; at least I suppose it was through him; I was not present.

There were others that could give that information to Mr. Plunket, were there not?—It was other persons, not me; I never spoke to him till he spoke to me.

Could other persons, beside Mr. Costellow, give information to Mr. Plunket; that you had important evidence to give?—I believe, Mr. Macnamara.

You communicated to Mr. Macnamara what had passed?—Mr. Macnamara was present also when the words were said, and, I believe, Mr. Costellow became aware of them; and, through Mr. Costellow, the attorney general's son was apprized of the fact; and both Mr. Macnamara and I were very unwilling to come from our professional duties.

You communicated the evidence you could give to other persons besides Mr. Costellow?—I never communicated the evidence I could give, to Mr. Costellow.

How did Mr. Costellow know you were in possession of this evidence?—Through Mr. Macnamara, who was present at the time the conversation occurred.

You had communicated the conversation to some person or other?—I communicated it to Mr. Plunket, when he mentioned the circumstance to me.

After you first heard it, and between that time and the time of communicating it to Mr. Plunket, had you not made many persons, or some persons, acquainted with the information you possessed?—I do not know any person that I communicated it to; but Mr. Macnamara, being present, was aware of my knowledge of the transaction.

You have already stated, that you had communicated it to many persons?—I did.

Mr.
Terence O'Reilly.

Second Day.
(May 5).

You now tell us you never communicated it to any person?—I say I do not know any person that I can name at this instant, that I communicated it to.

Did any person come from the grand jury room to Mr. Sheriff Thorp, about that period?—Not that I saw.

Was there any thing from which you could infer, that Mr. Sheriff Thorp had received any particular information with regard to the probability of the bills being thrown out?—Nothing but his coming into the room, and announcing this.

Was there any thing particular in the manner of Mr. Sheriff Thorp when he came in?—He came in, in an exulting manner, and announced it at once; every body that was there might have heard it; I believe, at the very instant, there were very few in the room.

Do you know Mr. Ward?—I do; I know him professionally.

Is he a man of high respectability in his profession?—He is.

In point of fact, do you know whether the bills were at that time thrown out, or not?—Except that the Sheriff said, I do not know; except, when afterwards, when the bills came down to the court ignored, which was about three quarters of an hour after the communication.

It must have struck you, that it was from Mr. Sheriff Thorp's conviction of the knowledge of the mode in which the grand jury were formed, that he gave that opinion?—He seemed quite confident of it.

Mr. Dillon Macnamara, called in; and Examined.

Mr.
Dillon Macnamara.

WHAT is your name?—Dillon Macnamara.

What is your profession?—A solicitor and attorney.

Are you acquainted with Mr. Sheriff Thorp?—No.

Do you know his person?—I have seen him.

Were you near the court at the time when the commission grand jury, in the month of January last, were sitting upon the bills that were before them?—I was.

Did you, upon that occasion, see Mr. Sheriff Thorp?—I did.

Were did you see him?—I saw him at various times in court during the day, attending to his duty as sheriff.

Do you mean that you saw him in the court?—Yes, in the court.

Do you remember seeing him at any time in the clerk of the peace's office, adjacent to the court?—I did.

In Green-street?—Yes.

What time of the day might that be, as near as you remember?—I think it was between two and three o'clock; I cannot be precise as to the time; about the hour of three I should think.

Do you remember who were present in the room when you saw him there?—No, I cannot say.

Can you name any persons that were present, though you may not remember all that were present?—I know Mr. O'Reilly was present; there were several persons in and out of the room that day, all day; whether they were present at that precise period I cannot undertake to say.

Do you recollect Mr. Sheriff Thorp coming into the room, whilst you were there, and whilst Mr. O'Reilly was there?—I do.

Did he make use of any expression in your hearing?—He did.

What was it that he said?—Relative to what.

State what you recollect him to have said?—He might have said various things; but relative to the bills, he mentioned, that they were ignored; or, that there were no bills; or something to that effect.

Do you recollect the precise words?—I cannot take upon me precisely to mention the words, but, that there were no bills; meaning that the bills were ignored by the grand jury.

To whom did he address that remark?—He expressed it to some friend who was there; Mr. O'Reilly mentioned to me who that gentleman was, but I could not say positively that that was the gentleman; if I was allowed to speak upon my belief, I believe it was.

You believe it was, whom?—A Mr. Ward; I do not say positively, but I believe it was.

Did you hear any question put to him, on any remark made by that gentleman to him?—He asked him, had the bills come down from the grand jury; he said, no, but you may make your mind perfectly easy as to the result.

A gentleman

Mr.
Dillon Macdonald.
Second Day.
(May 5.)

A gentleman asked him, if the bills were come down from the grand jury; and he said no; but you may make your mind perfectly easy as to the result?—Yes.

Did he add any thing to that?—No, I do not recollect that he did.

Was there any thing particular in his tone, or his manner, when he said that?—He seemed to be well pleased at it.

Did he stay in the office?—No, I think he went away almost immediately after.

Do you remember how he was dressed when he came into the office, or whether he changed his dress before he left it?—I made no remark, for I went, I think, into the adjoining room, the town clerk's private room; as far as I can recollect, I made no remark at the time as to his changing his dress.

Was there any conversation that occurred immediately afterwards between you and other persons, upon the subject?—There was a general conversation in the private room, saying, that they anticipated the result of those bills, inasmuch as there were persons on the jury who would not find true bills against the persons accused.

Was there any list of the grand jury in that office?—Yes, there was.

Was that list looked at, at the time, to ascertain the names of the persons?—Yes, it was.

Did you know the individuals whose names were on the grand jury?—Yes, I knew some of them.

Can you take upon you to say whether the persons present specified a certain number of grand jurymen that they thought would not find the bills?—There was conversation in the office among the persons, that were there, stating that there were persons of a certain ———

Mention the word?—That there were fifteen orangemen upon the grand jury; and other gentlemen said that there were seventeen; whether that was the case or not, I cannot pretend to say.

This was a conversation resulting from what the sheriff had said in the outer office?—It was.

When did you first mention this conversation to any body afterwards?—I do not remember mentioning it till there was a summons from this House for some gentlemen to attend; there were some acquaintances of mine in the courthouse of Dublin, talking of what they could be summoned for, and I mentioned, quite accidentally, what I have just now related, and I immediately got a summons to attend.

Do you know Mr. Costelow?—I do; it was Mr. Costelow I was mentioning it to.

Can you specify any other persons who were in the office at the time those conversations were supposed to take place?—I cannot, with certainty; nor indeed with any accuracy, assert it at all, for there were numbers of persons walking in and out during the investigation of the grand jury; it was a dry question to the persons in court, and they were walking about the office, killing the time, until the bills should be either found or ignored.

How many, do you suppose, were in the room at the time?—I really could not say, with accuracy; there were some of the clerks in the office, I should think; and some five or six other persons.

Where were the clerks standing or sitting?—I declare I took no notice of that whatsoever.

Where were you standing when you heard the words?—When Mr. Sheriff Thorpe came into the room we were anxious, of course, to hear the result, and I was standing close to the entrance of the door; I was standing outside the counter certainly.

Who was inside the counter, was anybody?—I cannot take upon myself to say; Mr. O'Reilly, I think, was inside the counter, speaking to a gentleman there; I should rather think it was the gentleman who has been mentioned before, Mr. Ward, but I cannot state accurately, for it made very little impression upon me at the time.

The conversation you have stated with respect to the gentlemen of the jury, was after the sheriff was gone out?—Yes.

In the same room was it?—No, in the adjoining room.

Did you remain there any time afterwards, or did you return to the court?—I remained there a very short time afterwards, and then went away.

Do you recollect hearing from any quarter, or ascertaining before you went away, that the bills had been ignored?—In about an hour afterwards or something better, the bills were then publicly ignored.

What do you mean by that?—That every person in court knew it.

Mr.
Dion Macdonnell.
 second Day.
 (May 5.)

Were you in court when the grand jury came in with the bills?—I think I was, but I will not be quite certain; I certainly heard Mr. Plunket make some observations, which makes me think I was in court at the time.

How long was that, after the conversation which you heard Sheriff Thorpe have with a gentleman?—I should think it was an hour or better.

Do you recollect what those observations were?—That Mr. Thorpe made?

That Mr. Plunket made?—I cannot them precisely.

What was the nature of them?—It was a kind of lecture, leaving them to their God, I believe; I could not take upon me to follow Mr. Plunket in his address to the jury.

Was there an address made by the judge also?—I do not recollect that there was.

Did the order of this House reach you in Dublin for your attendance here?—No; I was summoned by the crown solicitor.

When did you leave Dublin?—I left Dublin on Friday morning, I think.

Did you and Mr. Terence O'Reilly come together?—We travelled together.

Did you come by Holyhead?—We came by Holyhead.

And in the coach together afterwards?—In the Oxonian coach from thence.

Where did you stop when you came to London?—We stopt at a coffee-house off the stones, the Salopian coffee-house.

Where did you go when you first came to London?—We went to bed.

Did you arrive late at night?—Yes.

Did you go any where the next morning?—Yes.

Where?—We went to Mr. Plunket's.

You and Mr. O'Reilly?—Yes.

Did you see Mr. Plunket?—We did.

What did he say to you?—He referred us to Mr. Blake; I think he was very glad to see us, nothing more.

You and Mr. O'Reilly went to Mr. Blake's together?—We did.

Were you both together in Mr. Blake's presence?—We were.

The whole time?—Yes, the whole time.

Had he any conversation with you, as to the evidence you were to give in the House?—We had.

What passed upon that subject?—He asked us the particulars of what happened; and we told him it, just as I have told it here.

He put a number of questions to you both?—No; I rather think he allowed us to relate our own stories to him.

Did he ask you no questions?—He did; he knew the substance of our examination before we arrived.

Did he ask Mr. O'Reilly any questions?—He asked some questions, certainly.

He asked a good many questions as to the nature of the evidence, did he not?—No, indeed he did not.

He asked some questions?—They must have been so very trifling, I really do not think he asked any questions that I can take upon myself to call questions; he begged Mr. O'Reilly to write down what he could say upon the subject; and he likewise wished me to do the same, and I did so.

Are you and Mr. O'Reilly living together?—In London we are.

Where are you living together?—We are at N° 5, Northumberland-street, Strand.

When did you go there?—This day.

Have you been more than once with Mr. Blake since you have been in London?—Only once; I never had the pleasure of seeing him before.

In the office you say there was some conversation as to the jury; some said that there were 16, and some 17 orangemen on the jury?—Some, 15.

Are you an orangeman?—No, I am not.

Do you belong to any association in Ireland?—No; some seven or eight years ago I was a freemason; I have been a very bad member, for I have never attended these four years.

Do you know Mr. Mansfield?—I do; he is a clerk in the Sheriff's office in the city of Dublin.

How long have you known him?—In his situation of clerk I have known him a number of years.

He is a clerk in the Sheriff's office in the city of Dublin?—Yes, he is.

Do you recollect having had any conversation with Mr. Mansfield, in order that he might pack a jury for a client of your's?—

[The witness was directed to withdraw.]

[The

[The witness was again called in; and the question proposed.]

Mr.
Dillon Macnamara.
Second Day.
(May 5.)

I recollect many years ago, when I was a very young man; the thing had passed off my recollection, I thought so little of it; but it was brought to my recollection that such a question would be asked of me; and I certainly do recollect some eight or nine years ago, when I was a very young man in the profession, that there was a person who was a clerk of mine; it was the only criminal case I was ever concerned in, in my life; and my client, who was concerned in forging stamps, I believe was afterwards transported; his trial occupied twelve hours; I think he told me that if he could get some friends of his upon the jury, and gave me some friends, if I could prevail upon the sub-sheriff to get his friends upon the panel, he would remunerate the sub-sheriff handsomely. I think it my duty not to conceal any thing; I do not know what the consequences may be; I am perfectly independent of the profession, and I would not conceal any thing which had passed.

Did you communicate those names, with the offer of the bribe, to the sub-sheriff?—I do not think I communicated the names to Mr. Mansfield; but I communicated the substance of my message to him, that if he would put certain persons on the jury, whom my client would wish to be on it, he would be remunerated handsomely.

Do you recollect what Mr. Mansfield's answer to you upon that occasion was?—I declare I cannot bring to my recollection what he said; I think he said, that the jury was out of his power, as it was taken up by the crown; or, that the solicitor of the stamp-office had ordered the panel to be returned to the castle, or something of that kind; and that he had not an opportunity, even if he wished.

Mr. Mansfield is summoned to the bar of this House?—I heard so this night.

Did not Mr. Mansfield indignantly reject the offer of a bribe?—He said what I have mentioned, that, even if he wished it, it was not in his power; for that the panel was ordered by the crown solicitor, or ordered by the castle; indeed, I think further than that, that the men that were summoned on the panel, were not to compose the jury.

Did not he reject the bribe?—He did not get the bribe.

Why did not he get the bribe?—Because he did not do what I wanted.

Was your client tried?—He was.

Was he found guilty?—He was.

What became of him?—He was transported.

Who was the crown's solicitor then?—I believe Mr. Kemmis was; I am almost certain he was.

You said it was a crown prosecution?—It was a prosecution at the suit of the stamp office; I believe it was in the nature of a crown prosecution.

Who conducted it?—I think the solicitor for the stamp office, Mr. Burrow.

Who were the counsel?—I cannot undertake to say now, at this distant period; I think I could recollect my own counsel. I believe Mr. Townsend was one of the counsel who conducted the prosecution on the part of the crown.

Were the attorney or solicitor general employed in the case?—I cannot recollect.

How long ago is it since this case took place?—It was either in 1815 or 1816.

What was the name of your client?—My client's name was Gullaghan; the way in which he knew any thing of me was, that he was clerk to Mr. Stewart King, one of the masters in the four courts.

Gullaghan was the man, whose offer of a bribe you took to the sub-sheriff?—Yes.

You state, that you never thought of this transaction till it was brought to your notice, that you might be questioned upon it; what do you mean by that?—I met Mr. Mansfield, in the lobby of the House, about an hour since; and he told me, that he thought it was fair to mention it; that the party on the opposite side of the court, that he conceived I was summoned for, were aware of the fact; and that he thought it might be asked, that I might be prepared.

What do you mean by the panel having been ordered, in that case, by the crown or the castle?—I took the answer from the sub-sheriff or Mr. Mansfield, that it was not in his power; that the jury that he summoned were not the jury that would be sworn upon the trial of the case.

Do you recollect the panel having been sent to the castle, on the trial of the Catholic delegates?—I cannot say, indeed; I never was concerned in a criminal case before, and never will again.

What are the Committee to understand, by the panel being taken to the castle?—I understand, that Mr. Mansfield had not it in his power, even if he had the inclination,

Mr.
Dillon Macnamara.
Second Day.
(May 5)

inclination, for that the jury had gone; I do not know what construction he will give it; but I understood, that to be what he meant, that it was not in his power.

Was the person transported, related, in any degree, and what, to any of the gentlemen upon the jury of whom we have been speaking?—I believe not; he was a perfect stranger to me; (my client was;) but he knew me, having occasional business in the master's office.

Gallaghan was your client?—Yes; a man of the name of Gallaghan.

And he was clerk to Mr. Stewart King?—He was clerk to Mr. Stewart King's examiner; he was one of the masters in the court of Chancery in Ireland.

Who is Mr. Stewart King?—He was one of the masters in the court of Chancery.

And Mr. Gallaghan was what?—His examiner's clerk.

Had he been long in that office?—I declare I do not know.

What aged man was he?—He was a man of about five and thirty, I should think.

How was your recollection drawn to the circumstance of this conversation?—I have stated that it was mentioned to me by Mr. Mansfield.

When Mr. Sheriff Thorp stated, that the bills would be ignored, did he add, "have I not done my business cleverly," or words to that effect?—He mentioned words to that effect, certainly; "have not I managed the matter well;" or words to that effect.

[The witness was directed to withdraw.]

[The witness was again called in.]

Did you deliver a statement in writing to Mr. Blake, to the best of your recollection, of what had passed in the office from Mr. Sheriff Thorp?—He begged of me to put down in writing what I could communicate, and I did so.

You delivered that statement to Mr. Blake?—I did.

Did you place in that statement the words Mr. Sheriff Thorp had used to Mr. Ward?—I could not in that statement make use of the precise words.

You did not attempt it?—No, I did not attempt it.

In the statement to Mr. Blake, did you give the last words you have mentioned to the honourable member?—What were the words?

Were the words just stated by you, "have not I managed the matter well," contained in your statement given to Mr. Blake?—I should think they were.

Have you any doubt of those words having passed?—As to the substance of them, none in the world.

To whom were those words addressed?—I have mentioned before that I cannot, positively state; but Mr. O'Reilly having stated to me that they were addressed to Mr. Ward, I believe they were.

Were they addressed to a gentleman named Mr. O'Reilly?—Yes.

Had any thing occurred, within your observation, that should induce Mr. Sheriff Thorp to suppose the bills would be thrown out?—Nothing that I know of; I am not aware of the question: nothing occurred, that I know of, to cause Mr. Sheriff Thorp know that.

Had you any conversation with Mr. Sheriff Thorp that day?—I never had a word of conversation with him that day.

How long was it that you had seen him previous to the time when this passed?—I had seen him in court.

How long before that?—I cannot say; I was in and out of the court; I could not say exactly; I might have seen him the moment before.

You had no communication of any kind with him?—No, none in the world.

You said you were in court when the bills were ignored; are you to be understood that you considered all the bills were ignored?—I rather think I did not say positively that I was in court when they were ignored.

You stated that you heard the attorney general's speech?—Yes; I recollect that I was so court, and heard that which leads me to suppose I was there when they were ignored.

Were you in court when they were all ignored?—The bills I believe were found against two; but that made it a matter of so little consequence to me, that I did not take notice; it was not on that business I went there at all; I had nothing to do with that.

The bills were ignored as to some, and found as to some?—The bills were ignored as to some, and found as to some.

Do

Mr.
Dallas Mesanora.
Second Day.
(May 5.)

Do you remember having said, that Mr. Mansfield told you he had taken the panel to the Castle?—I remember that Mr. Mansfield said, the thing was out of his power, if he had the inclination.

Did he say the panel was taken to the Castle?—Either the Castle or the Stamp-office; it would be pretty much the same thing, I should suppose.

You do not remember precisely the words Mr. Mansfield used?—No, I do not; for this happened some years ago.

You have told the House, that you and Mr. O'Reilly left Dublin together, travelled together, arrived here together, and have lived together ever since you came; were not you perfectly agreed as to every word of evidence you were to give at this bar upon this subject?—I think we do not differ much in substance, although we do not agree exactly; I am sure he had a stronger recollection of the case than I had.

And he refreshed your memory?—He seemed to recollect it better than I did.

Did he not refresh your memory upon the subject?—No, I do not think he did.

He had a better recollection of the subject than you had?—I am sure he had; his recollection appeared stronger than mine upon it.

He reminded you of some circumstances you had forgotten?—For instance, he reminded me that it was Mr. Ward the Sheriff was speaking to; which I would not certainly take upon myself to state who was the individual that Mr. Sheriff Thorp addressed himself to. I consider myself here the same as upon my oath, and I would not state a fact not within my recollection.

Circumstances took place in that office, which you would not have recollected but for his friendly interposition?—No, I did not say so; there was one circumstance that he brought to my recollection, that I did not contradict him in; I am not aware that it was to Mr. Ward he was addressing himself; but that was the only circumstance on which he refreshed my memory.

These written statements that you gave in, did you prepare them at Mr. Blake's office, or send them in afterwards?—No; Mr. Blake asked us one or two words, and then said, "Would you have the goodness to put down in substance what evidence you could give to the House?"

Where did you do it?—In Mr. Blake's office, in his drawing-room.

Were you both together?—Mr. O'Reilly wrote his statement, and I wrote mine.

Did you see his statement?—Yes, I did.

Before you made your own, or after?—Before I made my own, and not agreeing exactly in the words; for he mentioned that Mr. Sheriff Thorp addressed himself to Mr. Ward; and I, not being sure of that, I wrote mine separately.

You stated, that this gentleman, whom you supposed to be Mr. Ward, asked him a question, and that Sheriff Thorp's was a reply to that question?—Yes.

Mr. Peter Tomlinson called in; and Examined.

WHAT is your name?—Peter Tomlinson.

What is your situation?—Bootmaker.

In Dublin?—In Black-rock, within four miles of Dublin.

Mr.
Peter Tomlinson.

Were you in Dublin during the time of the trial of the rioters?—I was, occasionally.

You remember the circumstance?—Perfectly.

Do you know a gentleman of the name of Smith?—I do.

What is his christian name?—Daniel Smith.

What is he?—A cloth-merchant.

Do you remember going to him about the time of these trials, about some business, serving him with some shoes or boots?—Perfectly, going to take orders for boots.

Was the trial going on at that time?—It was not; that was previous to the trials.

How long before the trials began?—Perhaps two or three days.

Do you remember your having to wait some time, in order to give the orders to Mr. Smith?—I remember perfectly waiting to receive orders from him.

Where were you waiting?—Standing in the outside shop, near the door.

While you were standing there, do you remember any body coming, to whom Mr. Smith spoke?—I do perfectly recollect a person coming, to whom Mr. Smith spoke, by saying, "Good morning, Mr. Sheriff."

Mr.
Peter Tammles.Second Day.
(May 5.)

Did you hear what passed between them afterwards?—I did; Mr. Smith said, "well, these trials are to go on?" "Yes."

Who replied "yes"?—I suppose the sheriff, the man whom he addressed as sheriff, answered "yes." "Have you made out a list of the jury?" "No, I am just going to the office now to make it out." "How many will you impanel?" "I will pick about sixty that we can depend on; they may then challenge as many as they please; they shall have as good a petit jury as they had a grand jury."

That was, as you say, about two or three days before the trial?—Perhaps two or three days.

Did you hear any thing more said between them?—Nothing that struck me; they might have said "good evening," or "good morning," but nothing more than that; for I had to wait for Mr. Smith's directions, and he quitted the shop before I did.

The Sheriff did?—Yes, the gentleman called Mr. Sheriff; that was all I heard.

Should you know that gentleman, Mr. Sheriff, by sight?—Certainly; though I never saw him before.

Do you think you would know him now?—Indeed I would.

Look about you?—I am amongst so many gentlemen I could not distinguish.

Turn round?—

[The witness turned round and looked about him.]

I do not see him.

Have you seen him since?—I have not.

Had you ever seen him before?—Never to my knowledge; and would not have known him then, but that Mr. Smith addressed him as Sheriff.

You think you should know him again?—I have not the slightest doubt; I eyed him particularly while he was speaking.

Do you know which Sheriff it was?—I went to the Session-house and saw the other, who I know it was not.

Did you hear the name of the other, whom you did see at the Session-house?—I did.

What was the name of that Sheriff?—Cooper.

Would you know that other Sheriff, the one whom you saw whose name was Cooper?—I do not know that I would, I do not think I would.

When did this take place, the conversation between Mr. Smith and Mr. Sheriff Thorp?—Perhaps two or three days before the trials.

Before what trials?—The trials of the traverses that were so much talked of in the city at the time.

Do you know in what month it was?—I could not tell at present.

Do not you know whether it was in January or in February?—I do not know.

Was it soon after Christmas?—It was long since Christmas.

Did you hear that there were two trials of the playhouse rioters?—I did; this was the second.

Mr. Sheriff Thorp said that he would give them a good jury of sixty for this second trial?—He said, he would pick about sixty that we could depend upon; that they might then challenge as they pleased; that they should have as good a petit jury as they had a grand jury.

Was any one present at this, besides Mr. Daniel Smith and yourself?—One of his young men.

What was his name?—Mr. Peter Alma.

You four were in the shop; was there anybody else but you four?—No one else.

During any part of the conversation?—During any part of the conversation.

When did you mention that?—That very day.

To whom?—To several; to Mr. Charles Magee, to Mrs. Hart.

Do you mean to say that it was Mr. Sheriff Thorp who made use of this observation?—I do.

You were understood to say you could not tell which it was?—I understood there were but two; I was brought to look at Mr. Sheriff Cooper, and it was not he.

Were you summoned by this House to attend at the bar?—I was not.

You volunteered your services?—I did.

To whom?—To Mr. Hart.

Who is Mr. Hart?—An attorney.

In Dublin?—In Dublin.

What did he say to you?—He asked me whether I was willing to go to London, and I told him I was perfectly willing.

When

When did you leave Dublin?—Last Sunday evening; that is, yesterday week, I mean.

Where have you been since you arrived in London?—N^o 45, Long Acre.

Did you call upon His Majesty's attorney general for Ireland, after you came here?—I went to him the night I came into town, and he desired me to go to Mr. Blake; and to Mr. Blake I told what I now tell, and did not see Mr. Blake since; I saw him, but did not speak to him: I saw him in this House.

Did he question you as to the evidence you were to give?—He did.

He put questions to you, and asked you what you would say to such and such questions?—He bade me to state what I had to say, and I did so, exactly as I have done it now.

Mr. John McConnell called in; and Examined.

WHAT is your name?—John McConnell.

Where do you reside?—In Dublin.

What is your situation in Dublin?—A silk manufacturer.

Do you know Mr. Sheriff Thorp?—I do.

Do you recollect seeing him at any time in the house of a Mr. Sibthorpe, in Dublin?—Yes, I do.

Was that before or after the trials?—It was before the trials.

How long before do you remember?—It was on the Tuesday after the riot at the Theatre.

Do you remember bearing any remark made by him there?—By Sheriff Thorp? Yes; I heard him make use of remarkable expressions.

Were those expressions that you are about to relate, used as a reply to any question put to him?—No, they were not.

With whom was he speaking when he made use of those expressions?—Shortly before I heard him make use of a remarkable expression, he was in conversation with another person.

What was that person's name?—William Graham.

Did you hear any thing particular in that conversation?—I did not hear any part of that conversation; that is, the conversation with William Graham.

What was the remarkable expression to which you alluded?—The expression to which I have alluded was, "I have the Orange panel in my pocket."

Do you recollect what was said immediately before that expression by any body?—No, nothing remarkable.

Before you heard him use that expression, had any body said any thing that you recollect?—No, there was nothing remarkable.

Had any question been asked by you, or by any persons in company?—Yes; just immediately before he made use of this expression I asked a question, in a careless manner, to young Mr. Sibthorpe, as he passed by me in the room.

What was the question you asked young Mr. Sibthorpe?—It was, "when will these unfortunate fellows come to trial?"

You asked that question of young Mr. Sibthorpe, as he passed by you?—Yes.

Did he make any answer?—No, he did not.

Was it then that you heard Mr. Sheriff Thorp make use of the expression you have stated, "I have the Orange panel in my pocket"?—Yes.

Was that addressed to any individual in the room?—It did not appear to me to be addressed to any individual in the room; it was uttered in a low tone of voice.

Who was William Graham, of whom you speak?—He was one of the traversers on the late affair; the late business.

You say he was the person that the sheriff was in conversation with, though you did not hear the conversation?—Yes, I observed them speak together; they were sitting near one another.

Was the sheriff sitting or standing near him?—He was sitting near him.

Were they sitting together when you heard him state that "I have got the Orange panel in my pocket"?—Yes, they were both in the same place as they had been when they were talking.

Had you been in the room before the sheriff came in, or did you come in and find him there?—When I entered the room the sheriff was in it.

You found the sheriff sitting by Mr. Graham, in the room?—Yes.

Who is Mr. Sibthorpe?—He is a painter and glazier.

Mr.
Peter Tansley.
Second Day.
(May 5.)

Mr.
John McConnell.

Mr.
John APCoverth,
Second Day,
(May 5.)

Is Sibthorpe any connection of Graham's, do you know?—Do you mean to ask whether he is related to him?

Is he related to him?—No, he is not; I am not aware that there is any relationship between Mr. Sibthorpe and Graham; I never knew that he was a relation of his, and do not think he is.

Do you know whether Mr. Sibthorpe is a friend of Mr. Thorp's, the sheriff?—Yes, I know that.

Were you aware of that before?—O yes.

You have said that the sheriff was in the room before you entered it?—Yes.

Did you leave him behind you in the room?—We went out at the same time.

Was that expression that he made use of, said so that any body else but yourself could have heard it?—There were persons nearer to him than I was; I heard the expression distinctly; I remember the words perfectly well.

Nobody had spoken to him previously upon the subject of it?—No you mean nobody had spoken to the sheriff, on what subject?

On the subject of the riot at the theatre, or the trial of the prisoners?—I did not hear that any person had spoken to him.

He holted it out at once without any provocation, "I have an Orange jury in my pocket"?—"An Orange panel."

Without any thing leading to it?—Those were the words he used, "I have the Orange panel in my pocket."

Without any question being addressed to him?—I did not hear any question addressed to him upon the subject.

Whom was he talking to at that time?—Just before that time, immediately before, I observed him conversing with Mr. William Graham.

Did you go out of the room and return again that evening, while Mr. Sheriff Thorp was there?—I think I did not.

Are you sure you did not?—I have no recollection that I left the room until I retired for the night.

Did you see Mr. Barrett Wadden during the time that Mr. Sheriff Thorp was remaining at Mr. Sibthorpe's?—No, I did not.

He lives within a door or two, does not he?—Mr. Wadden lives next door to Mr. Sibthorpe.

Or rather did live?—It is at present his place of residence; it is at present his house.

Does not he live in Liverpool now?—No; Mr. Wadden's house is No. 2, Palace-street.

Has he been in Liverpool lately?—I understood he has.

He is your step-father?—He is.

Do you know what brought him to Liverpool?—I cannot say.

Can you form no belief what brought him to Liverpool?—I heard that he went to England on matters of business; I understood he was to have gone to Manchester or Macclesfield.

Was there any reason for his absenting himself from Dublin, do you know?—I know of no particular reason.

Is he a bankrupt?—Yes, he was a bankrupt; he was in the Gazette some few weeks ago.

Has he obtained his certificate?—I cannot say.

You say you do not know why he absented himself from Dublin, was it on account of his bankruptcy, and not having obtained his certificate, that he absented himself from Dublin?—I cannot say.

Do you carry on any business of your own?—I do.

Wholesale or retail?—Wholesale.

Where?—In Graffoo-street.

Does any part of your stock belong to Barrett Wadden?—No, none.

It never belonged to him?—No; I was altogether separate from Mr. Wadden's family; I was in business for myself.

Do you take upon yourself to say that no part of your stock in trade belonged to Mr. Wadden?—No, he had no claim upon it.

Did you get any part of it from him?—No, I did not; I got a certain sum of money from Mr. Wadden at my commencement in business.

After he committed an act of bankruptcy did you get either money or value from him?—I did not.

Do

Mr.
John McConnellSecond Day
(May 5)

Do you live much with Mr. Wadden now?—I am not on terms with Mr. Wadden now.

Mr. Wadden is summoned as a witness here, is he not?—I understand he is.

How long is it since you have not been on terms with Mr. Wadden?—Since some time in February last.

You were on good terms with him at the time this conversation was supposed to have taken place?—I was.

Were you on terms with him at the time of his bankruptcy?—I was; perhaps I should have stated that at the time of his bankruptcy he was in England.

When is the last time you have seen Mr. Wadden?—I saw him this evening, in the lobby of this House; I saw him a few moments ago.

You are not on terms with him now?—No, I am not.

Did that arise from any thing connected with business, your not being on terms with him; any thing connected with his bankruptcy?—No, I cannot say that it did.

Have you any objection to state to the House, the cause of your quarrel or disagreement with Mr. Wadden; had you and Mr. Wadden any conversation as to the evidence which you were to give upon this case?—I had not, not a word.

Never?—Never.

Whom did you mention this conversation first to?—I think it was to a person of the name of Mr. Natten.

When did you mention it to him?—The morning after I had heard it.

That was on the 18th of December; the riot at the theatre was on the 14th, the Tuesday following was the 17th, consequently it was on the 18th that you mentioned it to Mr. Mr. Natten?—Yes.

Who is Mr. Mr. Natten?—He owns the house in which I have apartments, and in which I carry on my business.

He lives in Grafton-street?—He lives in Grafton-street.

When were you called upon, or by whom, to give testimony of this?—By Mr. Wadden.

You were understood to say you never mentioned it to Mr. Wadden?—I understood you to have asked me, had I any conversation with Mr. Wadden, relative to the testimony I was to give here to-night.

When did you mention that expression of Sheriff Thorp to Mr. Wadden?—The day after I had heard it.

You mentioned it to Mr. Wadden?—Yes, the day following that on which I had heard it.

That was on the same day you mentioned it to Mr. Mr. Natten?—The same day.

Did you mention it to any body else?—No, I do not recollect that I mentioned it to any one else.

When were you first examined by any officer of the crown, or any professional person, on the subject?—A few days after I had mentioned it to Mr. Wadden.

How many days do you suppose?—I suppose four or five days, perhaps less.

By whom were you then examined?—The attorney general for Ireland.

Personally?—Personally.

Where?—At his house in Steven's-green.

Did Mr. Wadden go with you there?—He did.

Will you mention all the persons that were in the room when this expression was supposed to take place?—Mr. and Mrs. Sibthorpe, Miss Sibthorpe, young Mr. Sibthorpe, William Graham, Mr. Sheriff Thorp.

Mr. Jackson?—I am not sure as to Mr. Jackson being present.

Was there any body else?—I think I have mentioned all that were present.

You are sure you cannot be mistaken as to those expressions?—I could not. You would not think so, even if every one of those had made affidavit that no such expression took place?—I could not believe them, in contradiction to myself.

They are all persons of good character, are not they?—I have that opinion of them.

Could that have been said without any one of them hearing it?—There were some persons in the room that might not have heard it.

That is not an answer to the question; could that have been said without any of them hearing it?—Yes; there were persons in the room that might not have heard it.

Were there not persons nearer to Sheriff Thorp than you, when he made use of the expression?—I do not think there was any one nearer to him than William Graham.

Mr.
John McConnell.
Second Day.
(May 5.)

That is not an answer to the question; were there not persons nearer to Sheriff Thorp than you, when he made use of the expression?—William Graham was nearer to him than I was; I do not think that any other person was nearer to him.

How far was Sheriff Thorp from you when he made use of the expression?—As far I think as I am from the table.

Was it a very large room you were in?—No, not a large room.

Then he must have spoken in a pretty loud decisive tone, for you to have heard him?—He did not speak in a loud tone, it was rather in a low tone of voice.

How were the company circumstanced; were they sitting or standing in the room at the time he said that?—They were sitting at the time he made use of this remarkable expression, except young Mr. Sibthorpe, and he had walked across the room just before I heard him say this remarkable expression.

Were you sitting at the time you heard him?—I was.

And the Sheriff was sitting also?—He was so.

Was there any card playing in the room?—Yes; afterwards the company played at cards.

Were they playing at cards when they came into the room?—No.

Was Mr. Sheriff Thorp playing at cards at the time he made use of the expression?—No, he was not.

Did you go home to supper afterwards, with any one from that party?—No, I did not.

You did not sup at the Shakespeare that night?—No, not that night.

You went straight home, did you, from that place?—I believe I called in to Mr. Wadden's, for a great coat of mine which was there; I have a recollection that I called in to Mr. Wadden's for a great coat, which I took on my way home; I did not stop at Mr. Wadden's, I got it from the servant.

Did any one walk with you?—No, I think I went home alone.

How near was the traverser, William Graham, to Mr. Sheriff Thorp?—He was sitting on the chair beside him.

Was he the nearest person of the party to him at the time?—Yes, he was.

Then of course that conversation that came to your ears, could not have escaped William Graham's?—I think he could have heard it.

Did Mr. Sheriff Thorp seem to direct that expression to William Graham?—No, he did not appear to direct it to any particular person.

It was said in a low tone of voice, and Mr. William Graham was the nearest person to the Sheriff?—Yes.

Did you understand the nature of what was meant by the "Orange panel"?—Yes; I did understand what was meant by an Orange jury.

What did you understand was meant by it?—I understood it to be a panel made up of party men, Orangemen.

A panel for what purpose?—The purpose of the panel I conceived to be to try the rioters, the traversers.

Were not you extremely surprised that Mr. Sheriff Thorp should have been so indiscreet as, in the hearing of several persons, to state, that he had got the Orange panel in his pocket?—I was surprised to hear it.

Had the party been long assembled at Mr. Sibthorpe's before Mr. Sheriff Thorp used this remarkable expression?—When I entered the room the party was in it; I cannot say how long before that they were there; they might have dined there; I do not know.

Have you heard any other remarkable expressions on the part of Mr. Sheriff Thorp?—I have.

State them to the house?—He said "I wish the devil had the Marquis Wellesley out of this."

Were there any others that you recollect used by him?—Yes.

What were they?—I cannot put them in his own words; I cannot repeat his exact words as the other expressions; but the meaning of them was, "he is an annoyance, he is in our way."

Are you stating the substance of a conversation, or only a particular expression?—I am only stating the substance, the meaning that I attached to what I heard.

Those expressions were used previously to the one you originally mentioned, were they?—You mean the Orange panel; the Orange panel was the first remarkable expression I heard him make use of; the others followed.

At what period did you communicate those expressions to any one?—The following day.

To

To whom?—To Mr. Mac Natten and to Mr. Wadden.

At what time were those matters communicated to the attorney general?—I think four or five days after the conversation had taken place, I am not sure as to a day or two.

Were they communicated to the attorney general before the grand jury was empanelled?—I really cannot say; it can be easily ascertained; it was four or five days after the conversation occurred.

Do you believe that the expressions, respecting the Marquess Wellesley, were heard by others, who were present as well as yourself?—Yes; the expressions respecting the Marquess Wellesley, were spoken when Mr. Sheriff Thorp was at cards; and the last expression that he made use of, when he wished the devil had him, was made as he left the room;—and as he buttoned up his coat; I was close to him, and the company was about withdrawing.

You mean by that, to say, that the whole of the company, or at least the major part of the company, heard those latter expressions?—I do.

Was any observation made, in consequence of those expressions, by any part of the company, before Mr. Sheriff Thorp left the room?—No, I did not hear any remark made upon them by any one.

Did you hear any remark made upon the previous expression, which you have stated was made use of?—No; I heard no remark.

Had you, or any of the company present, been talking of the Marquess of Wellesley, before Mr. Sheriff Thorp made use of that expression?—I do not think I had been talking of the Marquess Wellesley.

Was the Marquess Wellesley talked of in that society?—The subject of conversation, at one time, related to the occurrence at the theatre; and I think the Marquess Wellesley's name was mentioned.

Did Sheriff Thorp say any thing about the Marquess Wellesley at that time?—I did not hear any remark from Sheriff Thorp.

It was on the occasion of his putting on his great coat, that he wished the devil had the Marquess Wellesley?—Yes; on leaving the room, buttoning up his coat.

That was the circumstance that seemed to lead to the observation?—The act of buttoning up his coat, you mean;—I observed him make use of the expressions when he was buttoning up his coat.

A man of the name of Graham was in the society?—Yes.

You have stated, that he was one of the traversers?—Yes.

Is what situation of life was he in Dublin?—At that time, he was connected with the newspaper office.

Is he considered a respectable young man in his situation?—I believe he is.

Was he aware at the time that he was accused of having conspired to assault and insult the Lord Lieutenant in the theatre?—I cannot say.

You did not hear him say that he was?—No.

Did you know that he was?—No, not at that time I did not; but shortly afterwards.

It was not known till some days after?—I did not know it till some time after that.

It was not with reference to him, as one of the traversers, then, that Sheriff Thorp said, he would give him a good Orange panel?—I do not know whether Sheriff Thorp might not have known that he was concerned in assaulting the Lord Lieutenant.

How could the sheriff know it more than any one else?—Being a man in office.

Was it known to any one in that society: did any one speak of it?—No one.

Was William Graham any relation to George Graham, the other traverser?—No, I believe he is not any relation; I never heard that he was.

About how many persons were there in this company?—Seven or eight; eight or nine, I think.

[Peter Tomlinson, was again Called in; and Examined.]

WILL you describe, whether or not, that Mr. Smith, of whom you spoke, was on the grand jury?—I cannot tell.

You do not know that?—I do not. I beg leave to correct a mis-statement; I spoke to Mr. Blake twice since I came to London.

You

Mr.
John M^cConnell.
Second Day.
(May 5.)

Peter Tomlinson.

Mr.
Peter Tansley.
Second Day.
(May 5.)

You gave the Christian name of Mr. Smith?—I did.
And his business?—Yes.
In what street does he live?—College-green, Dublin.
[The witness was directed to withdraw.]

[William Poole being sent for, an answer was returned by the Serjeant at Arms, that he had had an accident, and could not appear.]

Mr. William Gifford, one of the messengers of the House, Called in; and Examined.]

Mr.
William Gifford.

YOU inquired for Poole?—I did.
What was the answer which you received?—One of the witnesses said, he saw him fall off the coach; and he hurt himself so that he could not get down.
When?—When he was coming into London. Another person tells me, he met him in London; and spoke to him in London to-day.
Do you know the name of the man that told you that?—I do not.

[The Messenger was directed to go to No. 6, Downing-street, it being intimated that that was the place at which William Poole was to be found, and to direct his attendance forthwith.]

Henry Cooper, Esq. Called in; and Examined.

Henry Cooper,
Esq.

YOU are one of the sheriffs for the city of Dublin?—Yes.
Do you recollect the striking of the panel of the grand jury, that has caused this inquiry?—Yes.
Were you called upon, on that occasion, to take any part in the striking of that panel?—I was.

By whom?—By the solicitor, Mr. Kemmis; by letter.
Have you that letter in your pocket?—I have not.
Can you state what the purport of that letter was?—It was, that I should take a part in the striking of that jury, to prevent any observations; I think to that effect.

That letter was from whom?—From Mr. Kemmis.
The crown solicitor?—Yes; I think it went so far as to say, by desire of the attorney general.

Would you have interfered with your brother sheriff in the striking of that panel, if you had not received that letter?—I do not think I should.

And why?—I conceived, that the sheriffs acting quarterly, had that prerogative of striking their own juries; he was the elder sheriff.

Is the Committee to understand you, that there is any etiquette exists between the sheriffs, with regard particularly to each striking a grand jury at a commission by themselves, without the interference of their brother sheriff?—I conceive it so.

Will you be so good as to state, what is the usual arrangement between the sheriffs in that particular, with respect to the striking of the grand juries?—The usual arrangement is, that the sheriff for the quarter strikes his panel; and that he may or may not communicate with his brother sheriff.

Is it the arrangement, that the senior sheriff strikes the panel of the first grand jury?—It is.

And the junior sheriff the next grand jury?—The next quarter.
What occurred between you and your brother sheriff, when you attended at the striking of this grand jury, at the request of the crown solicitor?—He had made his document for the sub-sheriff to strike the panel; I attended, and we concurred on the panel which was struck.

What do you mean by concurring in the panel which was struck?—I mean, that my brother sheriff and I, had agreed upon the gentlemen who were put upon that panel.

Do you mean thereby to say, that you and your brother sheriff, went through the list of the proposed grand jurors, who were to serve upon it?—Yes.

Did you go through that list, and canvass the names individually?—We did, with the sub-sheriff.

Who is the sub-sheriff?—Mr. Whistler.

Has

Henry Cooper,
Esq.
Second Day—
(May 5.)

Has he ever served before as Sub-sheriff?—I understand he did; I am sure he did; but not within my knowledge.

What is his situation in life?—An attorney.

Is he acquainted with the citizens of Dublin?—I consider he is very fully acquainted with them.

Had you any feeling, that you had a more peculiar duty than on other occasions to perform, when you were so particularly called upon to assist your brother Sheriff in striking this panel?—I did, in consequence of the letter I received.

Had you any feeling of more caution upon that occasion, than you would have had upon any other?—I do not think any peculiar feeling, more than that attending the striking of a jury.

Did you feel any particular responsibility upon yourself, upon that occasion, to look to the individuals that were proposed to serve upon that grand jury?—I considered, that those men who were put upon that panel, should be respectable citizens of Dublin.

Did you, as a public officer, as a sheriff, feel yourself personally responsible for the characters of the individuals upon that panel, as far as your intelligence could assist you?—Yes.

Have you a pretty large acquaintance with the citizens of Dublin?—Indeed, pretty generally.

What is your own situation in life?—A Coachmaker.

How long have you belonged to the corporation of Dublin?—I think it is about 13 years since I had first the honour of being elected.

Did it occur to you, to offer any objection to your brother sheriff, with respect to any of the names proposed upon that panel, as in anywise objectionable?—I did.

Did you object to any of them in consequence?—I did.

To how many did you object, and to whom?—I declare I cannot exactly name the number to one, two, or three.

What became of those names that you did object to; were they left upon the panel, or were they struck off?—They were struck off.

Do you recollect how many there were?—One particularly I think.

What time did this investigation of the panel occupy, between you and your brother sheriff?—I should suppose, probably an hour or more canvassing the list.

What was your feeling of the manner in which you had discharged your duty, when you concluded with your brother sheriff, to leave that as the panel of the grand jury that should stand?—I concluded, that there were such men as should be placed upon a grand jury.

From your general experience of the grand juries in Dublin, did you consider, that that grand jury was as respectable, for all the purposes of discharging their duty, as grand juries usually are?—They were.

Have you any doubt about that?—None whatever.

To whom was the crown solicitors note addressed; to the sheriffs of Dublin, or to yourself, or to your brother sheriff?—The letter I received, was directed personally to me.

Did you exercise a more than ordinary scrutiny with regard to that panel, in consequence of that letter, or not?—From the names that appeared to me, I exercised it so far, as I conceived those men who were put on it to be fully responsible for the situation in which they were placed.

Were the names that were struck upon that panel, usually to be found on other grand jury panels in the city of Dublin?—I cannot exactly say; but I rather think they were.

Did it appear to you, upon the examination of that panel, that there was any extraordinary number of persons that had not usually been upon the grand jury panels placed upon it?—No.

[The witness was directed to withdraw.]

[The witness was again called in.]

Were those individuals that were objected to by you, and that were struck off that panel, objected to upon any political ground?—No.

Did you feel, upon closing that investigation of that panel with your brother sheriff, that you had conscientiously and fairly discharged your duty, as a public officer, towards the public and the cause of justice?—I did so.

A witness, that has been at the bar of this House states, that Mr. Sheriff Thorp said, on the 17th of December, he had an Orange panel in his pocket; when did

Henry Collier,
Esq.

Second Day.
(May 5)

you and Mr. Sheriff Thorp agree upon the grand panel of January 1823?—I do not exactly recollect dates as to that.

How many days do you think it was before the bills were sent up to this jury?—I think it was three days previous to the summonses for the jury being issued.

Do you know how long the summonses were issued before the trial came on?—I cannot exactly state.

Was it a week?—Not so long.

How many names do you recollect were there on the list submitted by Mr. Sheriff Thorp for your consideration and the sub-sheriff's consideration?—I do not think we went into the names on the submitting of that.

How many names were there upon that list; was it curtailed on your examination?—It was.

Was it curtailed on Mr. Sheriff Thorp's suggestion, in any case?—No.

Did Mr. Sheriff Thorp represent to you, that a man of the name of Poole had applied to be on that grand jury?—He did.

Mr. Sheriff Thorp suggested that to you?—No, Mr. Poole applied to me.

Do you recollect Mr. Sheriff Thorp making any observations on the name of William Poole in that list?—I recollect that we had a communication, and that a conversation occurred, that Mr. Poole had applied to me; he came to my office to say that Mr. Sheriff Thorp promised to put him on that panel, and applied to me to speak to Sheriff Thorp; I told him that it was his quarter, and I referred it to him.

What passed between you and Mr. Sheriff Thorp upon the subject of Mr. Poole?—It was, that in consequence of his application, we mutually agreed that we did not think he should be one on the panel, from his application.

You thought, in consequence of his application to be on that jury, he was an unfit person to be on the panel?—We mutually thought so; I did not inquire into his motives.

It was by Mr. Sheriff Thorp your attention was called to the name of Poole upon that list?—I had myself an objection, in consequence of his calling on me.

In which objection Mr. Sheriff Thorp concurred?—He did.

Have you seen Mr. Sheriff Thorp in company with the Lord Lieutenant of Ireland, since the striking of this grand commission panel?—I have.

More than once?—Yes, more than once.

Did His Excellency receive Mr. Sheriff Thorp as a public delinquent, as a man who had packed the jury to acquit men guilty of an assault upon His person; how did the Lord Lieutenant receive Mr. Sheriff Thorp?—As far as I perceived, perfectly politely.

Did he receive him cordially?—He appeared to receive him as he received me.

He made no distinction between you?—I perceived none.

Did he shake you by the hand?—The last place I had the honour of being shaken by the hand by His Excellency, was at church; he also shook Sheriff Thorp and the Lord Mayor by the hand there too.

When was that?—I think on yesterday fortnight.

Since a motion of censure was made against the attorney-general for Ireland in this House?—Oh, long since.

Who prepared the panel for the petit jury, on the ex officio informations, in the first instance?—That was in my quarter, it was prepared by my sub-sheriff, sheriff Thorp, and me.

Did sheriff Thorp, or you, take the most active part in the formation of that panel?—I conceive I did.

If sheriff Thorp had declared that he would take care to have as good a petit jury for the trial of the ex officio informations, as he had had a grand jury for the ignoring the bills of indictment, could he have effected it?—Certainly not through me.

He could not have effected it?—Certainly not; I would not have agreed to it; I beg to rectify an answer, "as good a jury," that those men who were on the grand jury, some of them held equal rank with those on the petit jury.

The object of the question was this, if sheriff Thorp said he would have as partial a jury, as he had obtained a grand jury, could he have effected it in the forming of the panel of the petit jury?—As to partiality, as to the grand jury and the petit jury, the word not having been expressed, I am at a loss to form an opinion upon it.

If sheriff Thorp had wished to pack a petit jury for that purpose, could he have effected it?—Certainly not.

If you were told, that sheriff Thorp said, in a company, that he would do so, would you believe it?—I should not suppose he would be capable of making use of such an expression; if he did, I think he was wrong.

Are you looked upon as a party man in Dublin?—I cannot form an opinion for the Public.

Are you a party man?—No.

The sheriffs give public dinners in Dublin, do they not?—They do.

Had you your public dinner?—Yes.

Did you give "The glorious memory" at your dinner?—I did not.

You are understood to say, that when you attended Mr. Sheriff Thorp to strike the panel for the grand jury, there was a list of names prepared?—Yes.

That list was ready when you got there?—It was.

Out of that list you found, who did you object to?—I think there were three that I objected to.

Those names being omitted the remainder stood?—Yes.

Are you acquainted with all or the majority of those names that appeared upon the list?—Pretty generally.

Were you acquainted with their political sentiments?—No, I was not.

Then you and your brother sheriff did not select the names out of the corporatores at large, but out of a list of fifty-three ready prepared by Mr. Sheriff Thorp?—Yes.

If that fifty-three had contained names, or had been composed of those people you thought objectionable, with a view to the end of justice, could you not have desired it might have been altered.—Yes.

Would you not have desired that panel should have been increased, if you had thought it right?—I would.

You have stated, you and your sub-sheriff were chiefly engaged in composing the panel for the petit jury, could that have been described, with any justice, by Mr. Sheriff Thorp, as an Orange panel?—From my feelings, I think not.

Are you an Orangeman?—I am not.

Is Sheriff Thorp, to your knowledge, an Orangeman?—Not to my knowledge; I do not know.

You never heard of his being an Orangeman?—I do not know that I have.

Was not Mr. Sheriff Thorp the first sheriff who gave that obnoxious toast at the sheriff's dinner, after the visit of the King to Ireland?—He gave "The Glorious and Immortal Memory."

Who is the person who serves the summonses on the grand jurors?—There are different persons to serve them.

The bailiff?—Yes.

Is he paid by the sheriff?—He is paid by the sheriffs.

He pays nothing to the office?—No, I believe not.

Was there any different mode of delivering the summonses on that occasion, from that usually adopted?—I do not know any thing of the serving of those summonses; the others were in my quarter, and I was particular with the bailiff himself, and I swore him to the service of those summonses.

Are you aware that the same was done on the part of Mr. Sheriff Thorp?—I am not.

Did you suggest to Sheriff Thorp any names to be added to that grand panel?—I declare from the list that he shewed me, I do not recollect that I did.

You stated, you objected to three persons on the panel, whose names were in consequence struck out?—To two or three.

Those objections you state were not at all on account of their political principles; they were not of a political nature?—No, I knew not their politics.

Several persons whose names were upon the panel were canvassed between you and your brother sheriff, as to their fitness or unfitness to remain on the panel; had you conversation about it?—We had.

Was it at all on the ground of the political principles or party feeling of any of those persons, that this canvassing took place between you?—No, not their political feelings.

You have stated, that in going to communicate with your brother sheriff, respecting this panel, you conceived it your duty to see that it was formed of respectable citizens of Dublin?—I did.

Was that the only consideration you took with you to your conference with your brother sheriff?—Nothing more.

Henry Cooper,
Esq.

Second Day.
(May 5.)

You never entered into the political principles of a man who was named there?—
No.

This is the first time you have been in office as sheriff?—It is.

Have you any notion of the usual number upon panels?—Not particularly.

You had not any means of judging whether this panel consisted of fewer names than usual, or not, at the time it was handed to you?—I considered it shorter than what the usual panels returned were.

Did you make any observation upon that circumstance at your meeting?—None.

You did not conceive that it called for any observation?—No.

Was any reason given for its being shorter than usual?—Not at that period; there was no remark upon it.

Have you been in the habit, as a corporator, or having served on grand juries yourself, of observing what was the usual number of common councilmen on a commission grand jury?—I think they varied frequently.

Have you formed any notion in your own mind, what the usual number of them were upon the panel?—At that period I did not consider it; at this moment I have seen eight, ten or twelve.

Did it occur to you, on looking over that panel, that there was an unusual number of common councilmen upon that?—It did not, particularly.

Have you since observed that circumstance?—Since, from remarks, I have observed that there were more common councilmen than usual upon it.

But no observation of the kind was made at the time?—No.

Is there one sub-sheriff for both the sheriffs, or have you each one?—One for both.

You spoke of your sub-sheriff forming the panel for the trial of *ex officio* information?—Concurring with me.

What is the manner in which that is done; is it to be understood that the sub-sheriff makes out the list, and submits it to the sheriff for his approbation; or in what manner is it formed?—It is formed partly by the sub-sheriff and partly by the high-sheriff.

In what manner was that panel formed?—He submitted the list of respectable citizens to me; with this, and with my own knowledge of the city, I struck that *ex officio* jury, and returned to him.

The body of the list is presented to the sheriff in the usual course, ready formed by the under-sheriff?—No; he submitted a number of names of the respectable merchants and traders of Dublin; with those whom I added myself, we afterwards made a list for the panel, at which Sheriff Thorp was present.

Can you at all state the proportion of names you added to those that he submitted to you?—I dare say there might be one half, those men whom he submitted I very well knew.

Then it was the same person who performed the office you have stated in forming the panel for the petit jury for the *ex officio* informations, who had in like manner primarily formed the panel for the grand jury, in January 1823?—No, I cannot say that.

Was not it the same sub-sheriff?—Yes; how far Sheriff Thorp communicated with him I cannot say.

You do not know whether that is the usual course for the sub-sheriff to form this subject to his communication with the high-sheriff?—It depends upon the sub-sheriff and the high-sheriff; I have that confidence in the sub-sheriff, to believe that he would not submit any man upon that, that I would not myself think a proper man.

Had the sub-sheriff been in that office before?—Yes; many years before.

In whose hand-writing was the panel for the grand jury, when it was submitted to you?—I believe it was in Sheriff Thorp's.

What is the ordinary course in the office of returning the commission grand jury; is it by the high-sheriff, or the clerk in the office?—I cannot account for any thing but what has occurred since; I came into office at the exact moment.

Have not you understood what is the usual and ordinary course in the office; is it not the ordinary course for the panel to be returned by the clerk in the office, and not by the high-sheriff?—I rather think not.

Is there any difference in the mode of framing the panel of the grand juries and the petty juries?—I always understood the high-sheriff took that prerogative to himself of returning the grand jury.

Always

Always, in ordinary cases, that he took that prerogative to himself?—In all cases, I understood it so.

Do you mean to say, that the usual and ordinary practice in the sheriff's office is for the high-sheriff to return the panel of the grand jury, and not to have it returned by the clerk in the office?—It is my feeling in the office; that is what has been done since I came into office.

At what time was it that you first interfered with respect to the return of the January grand jury panel?—On receiving the letter from Mr. Keenmis, I communicated to the sub-sheriff and to the high-sheriff; that was my first interference.

A panel was then shown to you, in the hand-writing of Mr. Sheriff Thorp?—I believe it to be so.

Do you not believe that a great proportion of the persons who were returned upon that grand jury panel by Mr. Sheriff Thorp, were persons of very strong political feeling upon the particular question of dressing the statue and drinking the toast?—I conclude, that some were, and some were not; if I could form an opinion of the whole I would do so.

Had there not been an election of corporators in the month of December?—There was.

Was not there a very strong agitation in the public mind, at the time of the election of those corporators, particularly on the subject of the dressing of the statue?—Not to my knowledge at that time.

In the month of December had not the dressing of the statue of King William been prevented, by order of the lord mayor, in the month of November?—Yes.

Was not there a censure of the lord mayor, by the corporation, for doing so?—There was.

Was not there a censure of the lord mayor by the guild of merchants, for doing so?—I believe there was.

Was not it in the midst of that agitation, that the new corporators were elected, in the month of December?—It was.

Was not there a very strong political feeling in the minds of a great body of the corporators who were so elected in the month of December, at the very time when those censures were pronounced?—In some guilds there was strong political feelings expressed, I believe.

In the guild of merchants particularly, was there not a very strong political feeling expressed?—I conceive there was.

The guild of merchants elect thirty-one common councilmen?—Yes.

Will you have the goodness to look at that paper [*a paper being handed to the witness*]; do not you believe that that printed list was furnished by the persons who are the friends of dressing the statue to the corporators, for the purpose of having a list chosen of common councilmen from the guild of merchants according to it?—I consider this a list for the purpose of returning those men that were in it.

Will you have the goodness to read the title of it?—"Guild of merchants; the glorious and immortal memory list; good men in bad times."

There is a picture at the top, representing King William on horseback?—I believe it does.

He is represented with his horse treading upon the knave of clubs?—I suppose it does.

Do not you understand that, as representing the lord mayor?—I should suppose it was.

Do not you find seven of the names who were returned in that list "as good men in bad times," and for that purpose sworn upon the grand jury in January 1823?—I think there are seven names appear here.

Will you have the goodness to name the seven persons?—Mr. John Stevens was one, I think; Mr. Joseph Henry Moore, Christopher Graham, Joseph Lampray, John Davis, Robert Lodge I think was one, and Samuel Lampray.

Do you, or do you not believe, that those persons who were so named, "as good men in bad times," and who are elected on that recommendation, were persons of strong political bias upon the subject of dressing the statue and drinking the toast?—As to their strong political feelings I cannot say.

Do you believe they have any political feelings?—I think they have; but as to strong political bias, I cannot form an opinion.

Do you think that those seven persons were fit, fair, and impartial jurors to try a question, for the purpose of finding a bill of indictment upon the subject then pending?—I do.

Henry Cooper,
Esq.
Second Day.
(May 2.)

Henry Cooper,
Esq.
Second Day.
(May 1.)

If the thirty-one persons, who are named in that list, had been returned upon the panel of the grand jury, would you have thought them objectionable, as fair persons, to try that question?—Some I would not have returned; I cannot say that they were unfair, but I would not put them on.

Did you object to any person proposed by Sheriff Thorp, in the panel that he submitted to you, on the ground of their political opinions?—I do not recollect that I did.

All you looked to was, that they were respectable citizens?—Fair and respectable citizens.

Would you have thought yourself at liberty, when Sheriff Thorp returned you the list of fair respectable citizens, to object to any one of them, on account of a political bias?—I think if I had expressed a reason, that he would have struck off any that we would have mutually struck off.

Would you have objected to any one respectable citizen returned on Sheriff Thorp's list, merely because you thought he had a bias?—If I did not consider him a violent man, I would not have struck him off.

Were you aware, when Sheriff Thorp submitted that list to your consideration, that there were twenty-seven corporators returned upon that panel, who had been elected in the month of December previously?—I was not aware, exactly, of the number when it was submitted.

Do you believe that there was any one of those twenty-seven corporators so returned, who was not friendly to the dressing of the statue?—I rather think there were men on that panel that would rather, under the circumstances, that the statue was not dressed.

Can you mention under what circumstances?—That is my feeling of those jurors.

Do you mean, out of the twenty-seven common councilmen?—As to the men who were on that panel, I do consider some of them, men who would not wish to have the statue dressed; some of those men on the grand jury.

Can you explain the circumstance of the entire grand jury being sworn out of the first six-and-twenty persons upon the panel?—I really cannot, except their attendance in consequence of being liable to fines; I do not know any other reason.

Had they not, on all former occasions, been liable to fines?—They had, as far as I know.

Have you ever heard of any instance in which a grand jury of twenty-seven was obtained, on any former commission, without coming down as low as the 57th man upon the panel?—I cannot answer that question accurately.

When you came to frame your panel of the petit jurors, did you at first frame it in the same manner in which you finally returned it?—There were some alterations, but very few.

Did you frame your own panel, or did you receive a panel framed from your sub-sheriff?—Part by the sub-sheriff, and part my own framing.

Is it the ordinary course in returning the panel of the petit jury, to take the grand panel, and out of that to take some of the most respectable and leading names?—I did it so.

After you had done it so, were there any alterations made, and at whose suggestion?—There were very few, for they were of such a respectable return, that it was not necessary.

By whom were those few suggested, do you speak of those that were returned by the sub-sheriff?—I speak of the whole panel.

How many were returned by the sub-sheriff, what proportion did the number returned by him bear to the whole panel?—I think it probable it might be from twenty to thirty, or more.

You have said, that you are not a person of any party feeling; do you mean to say, that the sub-sheriff, Mr. Whistler, was not?—I do not think him what I would term, a violent party-feeling man.

Was he a man of party feeling; or was he a man, as you are yourself, a man of no party feeling?—It is difficult for me to answer to the feelings of another.

What is the reputation of Mr. Whistler in that respect; is he, or not, considered a man of party feeling?—I would not consider him a man of high party feeling.

Twenty or thirty of the names were returned by him?—I think about that number.

The whole panel consisted of sixty?—Yes.

Twenty or thirty were returned by the sub-sheriff?—Submitted to me.

Did

Henry Cooper,
Esq.Second Day.
(May 5.)

Did you adopt those that were submitted to you by the sub-sheriff?—I think I did, the whole of them.

Are there not some circumstances that would have rendered it rather awkward for you to decline adopting the panel sent you by your sub-sheriff?—I think not.

You do not feel then, under obligation to the sub-sheriff?—No; I felt them of that description of men that were of the highest character in Dublin, from my knowledge of them.

Of the highest character for respectability?—Yes.

Do you mean, that those gentlemen were not men of any party feeling?—Not to my knowledge, positively.

Will you undertake to say, whether they were, or were not; whether the twenty or thirty, then suggested by Mr. Whistler, were, or not, men of strong party feeling?—I took the whole panel of that sixty; for I was cautious on that, that I made the observation, we would not have high party men on the panel.

High party men?—Or party men.

Were there any names suggested upon that panel, who were not upon the grand panel?—I cannot answer that question.

What alterations were made in the panel, from the time that you had first taken the sub-sheriff's suggestion, and had given your own names, till you returned it into court; were there not alterations made?—The alterations that were made, were, I think, putting men of greater respectability from the bottom to the top of the panel, according to their respectability; I do not remember any other.

Were there not new names added?—I do not think there were more than one or two.

Do you know a person of the name of Stoker?—I do.

Was he not a person who was considered as having been very much concerned in the planning of the riot at the theatre?—I heard something of it; but I know nothing of it.

He was a clerk of Alderman King's?—He was.

Have you ever heard, that by the sub-sheriff that panel was taken and shown to Stoker, and that, at his suggestion, any names were added to that panel or any alterations made?—Never.

You never heard that to this hour?—Never; nor do I think he would be capable of doing such an act.

Do you mean Stoker?—No, the sub-sheriff; I know very little of Mr. Stoker; but I do not think the sub-sheriff of Dublin would be guilty of submitting the panel to Mr. Stoker for his approbation.

Have you ever heard that Stoker has himself declared that was done?—Not to my knowledge; I never heard of it.

How many names do you say were struck off the panel of the grand jury, after Mr. Sheriff Thorp had consulted you?—I think there were probably three or four, and other names substituted.

Was Mr. Poole's one of those names that were struck off?—He was.

Have you heard, or do you believe, that, before the riot had happened, Mr. Sheriff Thorp had promised to put Mr. Poole's name upon the panel?—Mr. Poole told me so himself.

Do you believe that?—Yes, I do.

That he had promised him before the riot?—I do not know as to the time of the promise.

Have you any doubt the promise was before the riot?—I declare the time was not stated, and I do not know whether it was before or after.

Do you not know that, afterwards, Sheriff Thorp refused to let his name remain upon the panel?—He agreed in the objection, in consequence of Mr. Poole requesting me to speak to Mr. Sheriff Thorp to put him on; we thought that he had some motive we did not know; I objected to him under those circumstances.

In the interval between his having been promised to be put on and his being struck off, had not Mr. Poole taken an active part in the corporation, to prevent the dressing of the statue?—Not to my knowledge.

Had not you heard of it?—I heard of it.

Do not you believe it?—I do not know of any active part he could take to prevent it; the police prevented it.

Had he not been an active person in the corporation, to declare his disapprobation of it?—Yes.

*Henry Cooper,
Esq.*

Second Day.
(May 5.)

He had done so in December, in the corporation?—I so understood that he always had.

Have you not heard that Sheriff Thorp declared he could not place him upon that panel, because he was a "conciliation man"?—No, I never heard those expressions.

Or any expression to that effect?—No; Sheriff Thorp did not communicate it to me.

Did not some of the persons who were sworn on that grand jury, apply to be excused from serving?—They did.

Were they not told that if they did not attend they would be fined, or that they must attend?—As far as came to me, I always gave that for answer, and that I could not take them off.

Would not that account a good deal for their consecutive attendance for their answering as their names were called?—I would conclude so.

If those men were anxious to be put on for sinister purposes, do you conceive they would have applied to you to leave them out?—No, I do not.

In the state of Dublin now, do you hold it to be possible almost to find a grand jury who have not formed some opinion, one way or another, about the dressing of the statue?—If I was to form an opinion, I would conceive that every man in Dublin has formed some opinion upon it.

Do you conceive those men who were on the grand jury having, in common with the rest of the citizens of Dublin, formed such an opinion, they were men who would have perverted justice on their oath, by finding a partial verdict, in consequence of those opinions they had formed?—I do not.

Your sub-sheriff, Mr. Whistler, is an attorney?—He is.

How often has he served the office of sub-sheriff?—I believe this is the second time; it is many years since he served before.

There is a bye law, or an Act of Parliament, which prevents a person serving oftener than once in three years, is there not?—I understand there is.

Who served the office of sub-sheriff the year before Mr. Whistler?—Mr. Archer.

Who is Mr. Archer?—Mr. Henry Archer, he is an attorney.

Is he at all connected with Mr. Whistler?—No, I believe not; I am almost certain not.

Do you know of any person in the employment of Mr. Whistler, serving the office of sub-sheriff the year before?—No, serving as sub-sheriff a year or two before; there is no such clerk in the office as Mr. Archer.

The year before Mr. Archer, did the person who was a clerk in the employment of Mr. Whistler serve the office of sub-sheriff?—No.

Do you know it, one way or the other?—No; I know there is no sheriff has served an under clerk to Mr. Whistler.

Nor connected with him in any way?—Nor connected with him in any way.

Nor that he has had any connection with the person serving sub-sheriff since the last time he served that office?—Not to my knowledge; I think he has not.

Who elects the sheriff?—The commons; there are a number sent from the commons to the board of aldermen, and from this number the two sheriffs are chosen.

Do you mean by the commons, the common councilmen?—Yes.

Did you ever hear of a society, called "The Amicable Society"?—I have.

Is that in the common council?—No.

Is it composed of common councilmen?—There are a number of common councilmen in it.

Are the bulk of the society common councilmen?—No, they are not.

There are a considerable number?—There are a considerable number.

Are a considerable proportion of the acting members in it common councilmen?—I believe they are not particularly active, more than the others.

Are a considerable number of the members of it common council?—As members of the society, there are a good many common councilmen.

Do the Amicable Society exercise an influence upon the election of sheriffs?—They recommend the friends of that society, I rather think.

They exercise a considerable influence in the choice of the sheriffs?—I cannot say that they altogether do.

Do they not exercise a considerable influence in the choice of the sheriff?—They do, rather in the returns, not in the choice of sheriff.

In

In the return to the aldermen, of those out of whom they are to choose?—Yes.
How many are sent up to the aldermen?—Eight.

Did you ever hear of an understanding, between the persons who are to be recommended, to be assisted in the election by the Amicable Society, an understanding between them and the common council or the society, as to the conduct they are to hold while they are sheriffs?—No, there is no arrangement of that kind.

No understanding between the parties, as to how they are to go on in their office?—No, I do not know that there is any such compact.

There is nothing in writing, but is there any thing understood between them?—I do not think there is any understanding.

Any thing understood between them as to the patronage of offices?—I think not.

You must be quite sure of that, one way or another, in your own case?—In my own case I am certain of it; as to the patronage of the office, certainly not.

There was no understanding as to the patronage?—No.

Nor as to any part of the official conduct?—As to good conduct.

As to any line of conduct to be adopted by the sheriff in the office?—For my own part I think not.

You have no recollection yourself, of any understanding, as to the line you were to adopt in the conduct of your office?—No.

Is there not a considerable degree of patronage in the power of the sheriff?—No, not to my knowledge.

Do they not name to a number of things?—To none but the sub-sheriff.

That is the only appointment they have?—Yes, I believe so.

Are you quite sure that is the only appointment the sheriffs have?—I conceive, no other.

Is that the only appointment you yourself have named to; or had a share in naming to?—The only appointment.

How long have you been in the office?—Seven months, I think, or rather better.

Is there not a keeper of the sheriff's prison?—There is.

Have they nothing to do with the nomination of the keeper?—The nomination of the under officers comes from the sub-sheriff.

The nomination of the under officers of the prison?—Yes.

Does that include the keeper of the prison?—The keeper of the Newgate prison, or which?

The keeper of the sheriff's prison; who names the keeper?—The sub-sheriff named him, and I concurred in the appointment.

Will you recollect again, and inform the Committee, whether there is any other office in which you concur in like manner with the sub-sheriff in naming to; you said just now, that there was nothing but the appointment of the sub-sheriff in which you were concerned?—I do not concern myself in any other; not even in that.

[The witness was directed to withdraw.]

[The witness was again called in.]

You concur, you say, in the nomination of the prison-keeper, the keeper of the sheriff's prison, with the under-sheriff?—I mentioned, I think, that the under-sheriff had the appointment of all the subordinate officers; that I did not use any prerogative of that kind.

The under-sheriff actually, in point of fact, appoints; does the sheriff concur in any of those appointments with the sub-sheriff?—I really made no objections to those men who were in the office.

Do you mean that the sub-sheriff is the man who appoints those officers, or does he submit the names to the sheriff?—He submitted those names, and I concurred in his appointment.

One of those is the keeper of the prison?—Yes.

Do you recollect any other of those inferior officers?—No; only the officer under him, which is his clerk in the sheriff's office, and this.

Those names are submitted to the sheriff, and he concurs in making those appointments?—No; the only one is the keeper of the sheriff's prison that I particularly recollect that he mentioned to me; I did not interfere.

Are those officers changed with every sub-sheriff?—They are not, I believe.

They continue in them after the time when the sheriff is changed?—When they are well-behaved persons, I conceive they do.

Henry Cooper,
Esq.
Second Day.
(May 5.)

Is there not an understanding between the sheriff, upon his election, and the common council, or a part of the common council, which uses a certain influence in the election of the Amicable Society, that he shall keep those persons in their office?—Not to my knowledge; it was not the case with me.

Is the office of the sub-sheriff a lucrative one?—I believe it depends upon circumstances.

But, generally speaking, is it a gainful office?—I rather believe it is.

About how much?—I cannot form an accurate opinion.

Can you form a guess?—I dare say it may be worth from six to seven hundred a year.

Does he account for the fees to the high-sheriff?—He does.

Does he pay any other consideration to the high-sheriff, besides accounting for the fees?—Not that I know of; not to me.

You said, that in striking one of the juries, your wish was to prevent any person from being on the jury who was of very strong political opinions; meaning of course, a high political person?—Yes, that was my wish.

Which of the juries was that?—That which came within my own quarter; the petit jury.

With respect to the political opinions of the grand jury, there was no discussion?—I do not think there was.

The only discussion being, as to respectability?—As to their respectability and their being men that should be placed upon the grand jury.

And no objection was taken to the political sentiments of any of them; you went merely on their respectability?—Yes; and being on the grand jury, I would think they would divest themselves of such feelings.

You canvassed it only on their respectability?—Just so.

Had you any canvassing with respect to the petit jury?—Yes, they were canvassed.

Only touching their respectability?—Yes, their respectability; and to my knowledge there were no violent party-feeling men.

Was there any canvassing on the subject of party feeling?—Not more than from my remark to the sub-sheriff.

But you only discussed their respectability you say?—Yes.

You gave a dinner after you came into your office?—Yes.

You declined giving the obnoxious toast?—I did.

Was it proposed by some of your guests?—There were some men in the room that night who pressed it.

But you declined?—I did.

It was a dinner given by yourself?—It was.

Did any thing happen in consequence; any dethronement in consequence of your refusing to give it; did they come to any resolution, or do any thing with respect to yourself, who were in the chair, in consequence of your refusing to give it?—I think there was a man rather rude to me in consequence of it.

Though it was your own dinner?—Yes.

Did you continue in the chair?—I did.

The sub-sheriff gives you a security, does he not?—He does.

Would you not consider yourself interfering with the safety of that security, if you interfered with his appointment of those officers, such as the keepers of the gaol, and others you have alluded to?—It would.

Amongst the citizens of Dublin, do you not consider that a great proportion form their opinions upon the subject of what is called Roman Catholic Emancipation; do you not think that, generally, each man in society has formed his opinion upon the propriety of what is called, Granting the Roman Catholic Claims?—I rather think they have, almost every man in Dublin.

Are you of opinion, that a man who is hostile to the Roman Catholic Claims is disqualified as a grand juror, or incapable from that circumstance of performing his duty as a grand juror, upon his oath?—I do not.

Then comparing that grand jury with other grand juries, that you have known sworn in the city of Dublin, do you think that grand jury was as capable of performing its duty conscientiously as any one you have known?—In my opinion they were.

That is merely your opinion?—It is my opinion.

The panel was formed out of a list written in Mr. Sheriff Theobald's hand writing; that which you believe it to be his hand writing?—I believe it was.

You

Henry Cooper,
Esq.
Second Day.
(May 5.)

You suggested the propriety of striking off some names in that list?—Yes.
How many?—I think three; and others were substituted.

In point of fact, the panel, as it stood, consisted of names, all of which were suggested by Mr. Sheriff Thorp?—They were sure; those struck off, and those substituted in the place of them, that we mutually agreed on.

Were there any substituted in the room of those struck off?—There were.

By whom were they suggested?—I think they were mutually agreed upon by both of us.

By whom were they suggested; because though mutually agreed upon, they must have been suggested by one party, rather than the other?—I really think, that, taking the almanack, we spoke on several citizens probably, and took them from those names that we mutually talked of.

But not particularly suggested by you?—We agreed that those persons should be substituted in the room of the others.

Were they suggested by you, did they come from a list you suggested?—No; I had no list.

When you met Sheriff Thorp, for the purpose of arranging the panel, did you know what bills were to be brought before the grand jury, against whom?—I conceived of course, those men who were in prison, with any others, for the riot in the theatre.

Did you know that a person of the name of Mr. Cullen, was to be indicted before that grand jury?—Not at that time I did not.

Mr. Joseph Henry Moore was on that grand jury?—He was.

Was he proposed originally by Mr. Sheriff Thorp?—He was in the list.

Do you know whether he bears any relation to Mr. McCuller?—Not to my knowledge, he was not.

Or any connexion with him?—I do not know any further than having heard he was his clerk.

Has not Mr. Joseph Henry Moore been in the habit of attending the commission grand juries constantly?—He has frequently.

Do you happen to know that Mr. Moore's sister is married to the provost of Dublin University?—I do not know it, as my own knowledge, but I believe it to be so.

When did you enter into office?—In September last.

Were you a party to the panel in October 1822?—I was not.

Have you joined in a panel for a term, or presenting grand jury, at any other time?—No; the last term, I believe, is the only one since I came into office.

Have you ever served, individually upon either term or commission grand juries?—I have.

On which?—Both.

What kind of persons composed the term or presenting grand juries?—Principally the corporation of Dublin.

Are there any other individuals, except the corporation of the city of Dublin, upon them?—I do not know, to my knowledge, that there have been; I have never been on but one, I think.

Was there any individual upon that grand jury, but the members of the corporation of the city of Dublin?—I declare, I cannot exactly say, unless I could refer to the panel.

Do you know, as sheriff of Dublin, whether it is the usage to select those grand juries out of the members of the corporation?—I believe it is, generally.

You have no doubt of the fact?—No, I have no doubt, that is the general practice.

When did you serve upon a commission grand jury?—I did not think these three or four years; I wished to avoid it.

Is the serving on a commission grand jury, considered a burthen or an advantage?—It would be considered an inconvenience to men in business.

Is the serving on a presenting grand jury, considered as a burthen or an advantage?—I declare, I do not know the advantages of it, I would avoid them; I never was but on one, though I have been thirteen years a member of the corporation.

On the commission grand jury on which you served, how many members of the corporation of the city of Dublin were there?—I cannot exactly say what number.

Was there a majority?—I declare, I cannot exactly state the number; I should suppose

Henry Cooper,
Esq.Second Day.
(May 5.)

suppose the number to be ten or twelve or fourteen; I rather think in the cases I have known that.

Have you ever heard of a case, except the commission grand jury of January 1823, in which there was a majority of members of the corporation of the city of Dublin?—I do not recollect hearing of any one; I do not think I did hear of a majority; but that depends upon their attendance, for I know they have been summoned; I know the members of the corporation have been summoned.

Can you state, whether there is a general anxiety to serve on a presenting grand jury?—I have heard it, but I do not know it accurately; as to my own part, I was not anxious.

Do you believe, that there is a general disinclination to serve on the commission grand juries?—Some men will serve on the commission grand juries, in consequence of their being short, to avoid being put on others.

You have stated, that in consequence of a letter which you received from the crown solicitor, you attended Mr. Sheriff Thorp, where is that letter, and can you produce it?—At the time I got notice of the coming to London, I was sitting on the commission jury on the present commission, of that which was sitting when I left Dublin; I was so hurried off that I took no papers of that kind in my pocket; I have the letter perfectly safe at home.

You have stated, that you went to Mr. Sheriff Thorp in consequence of that letter, and found that he had drawn out the list of the panel, which he produced to you; in consequence of the discussion which took place, was any alteration made in the order in which the names were placed upon that list?—There were alterations made in that respect, moving the names up.

To what extent?—I really cannot say.

You have stated, in answer to one or two questions, that several of the corporation applied to you to be excused from serving, can you remember the names of such corporations as prayed to be excused?—I remember Mr. Forster applied to be excused.

Do you recollect any others?—I cannot exactly mention names; I think I remember Mr. Forster applying.

You have said, that you did not consider, and do not consider the seven names, which you read from the paper which you hold in your hand, to be violent party men; will you state whether you consider Mr. Sheriff Thorp a violent party man or a moderate party man?—I would consider him inclined to party, but as to violence it is a difficult matter for me to form an opinion.

Do you consider Mr. Sheriff Thorp a decided party man?—Oh, I think him a party man, decidedly.

Do you consider those seven individuals less party men than Mr. Sheriff Thorp?—I would consider some of them less party men, and some probably have similar feelings.

Do you know William Carpenter, who was one of the jury?—I do.

Do you consider him a more moderate party man than Mr. Sheriff Thorp?—I know very little of Mr. Carpenter, further than being in the corporation.

You have said, that of the seven who have been named, some were more moderate, and some you would consider more party men than Mr. Sheriff Thorp; will you state any one of those, whom you consider more decidedly party men than Mr. Sheriff Thorp?—I would consider Mr. Graham and Mr. Stevens as more moderate.

The question was, as to those who were more decided?—Could I form an opinion upon those men's principles, I would conceive them similar.

You were understood to say, there were some you considered more violent?—No, that was not my answer; that some I considered less so; and some similar.

If Mr. Sheriff Thorp had been one of the jurymen, would you have considered him objectionable, as a strong party man, to try such a cause?—Had he taken the oath as a juror, I would have considered him perfectly eligible.

When did you first see that handbill which was put into your hands?—The first of them I saw was in the merchant's hall.

Was that before the jury was struck?—Yes, it was long before.

Do you find the name of Edward Cusack in it?—Yes, I do.

You did not give him in as one of the persons?—His name is here.

Was that handbill generally circulated?—I saw it in the merchant's hall on the election.

That

That was sometime before the jury were struck?—Yes.

Did the sheriff send a copy of the panel, when it was settled, either to the crown solicitor, or to the attorney general, or to the castle?—I do not think he did; not to my knowledge.

How long do the summonses issue before the commission is held?—I think about three days.

Do you remember the date of the letter that was sent by the crown solicitor?—I do not accurately.

You have stated, that according to your opinion, the panel could not be called an Orange panel; and you have stated also, that you do not know the political feelings of the persons upon it; what ground have you, therefore, for forming an opinion, that it was not an Orange panel?—I had no grounds for forming an opinion on it; I know no man upon it to be an Orangeman.

You have stated, that three or four names were removed from the panel, and three or four names substituted in their places, was it upon any political ground that those names were removed?—The particular one I mentioned, was in consequence of the application to me to be put upon the panel.

You stated, that three or four names were removed, with the concurrence of your brother sheriff, and as many more substituted in their places, upon what grounds were those persons so removed; was it political grounds, or for misconduct, in your view?—Not from political feelings.

You mentioned a man of the name of Lodge, was he on the grand jury?—I believe that he was not.

[The witness was directed to withdraw.]

[The Chairman was directed to report Progress, and ask leave to sit again.]

(A.)—Referred to in p. 11. ante.

OFFICE OF DEPUTY.—A TABLE of the several Panels of Grand Jurors, returned by the Sheriffs of said City, at the Imperial Commissions of Oyer and Terminer and General Gaol Delivery, held therein, from the Sitting held in February 1843, to the Sitting held on the 24th of February 1849, both inclusive,—showing, the Number of Jurors returned to serve on each Panel, the lowest number called to compose a Grand Jury, the Number of Common Counsellors on each Panel returned, the Number of Common Counsellors on each Grand Jury, the Number of Panels returned, the Number of Panels called on Panel (where Panels returned), and the Names of the Jurors on the Panels of January 1849, who were of the Common Council, designating those sworn on the Grand Jury, those who were not members of the Common Council, and those who had served as Jurors of Grand Jurors, referring to the lists on February 1849.

	NUMBER on the Panel.	NUMBER sworn to the Panel (lowest may be less).	NUMBER on the Panel of the last of the Grand Jury.	NUMBER of Common Council on each Panel (if returned).	NUMBER of Common Council on each Panel sworn.	NUMBER of Panels returned and Number of Panels called on Panel.	NAMES ON THE PANELS OF JANUARY 1849.		
							The space is left blank in the Common Council, designating those Jurors who had last Jury before that 1849 were not Members of the Common Council, &c.		
1843	February	Thirty-six	called to the end	thirty-six	ten	ninth	LEADS.		
	July	Twenty-two	called to the end	twenty	twelve	twelve	J. G. Williams Esq.		sworn before
	October	Twenty-six	called to the end	twenty-five	twelve	ten	J. J. Jones Esq.		do
	December	Eighty-two	called to the end	eighty-two	ten	three	J. J. Jones Esq.		do
1844	February	—	—	—	—	—	J. J. Jones Esq.		do
	July	Twenty-two	called to the end	twenty	ten	ten	J. J. Jones Esq.		do
	October	Twenty-two	called to the end	twenty-two	ten	three	J. J. Jones Esq.		do
	December	Twenty-two	called to the end	twenty-two	ten	three	J. J. Jones Esq.		do
1845	February	Thirty-seven	called to the end	thirty-seven	twelve	twelve	J. J. Jones Esq.		do
	April	Twenty-two	called to the end	twenty-two	ten	ten	J. J. Jones Esq.		do
	July	Eighty-two	called to the end	eighty-two	ten	three	J. J. Jones Esq.		do
	October	Twenty-two	called to the end	twenty-two	ten	three	J. J. Jones Esq.		do
1846	February	Thirty-seven	called to the end	thirty-seven	twelve	twelve	J. J. Jones Esq.		do
	April	Twenty-two	called to the end	twenty-two	ten	ten	J. J. Jones Esq.		do
	July	Eighty-two	called to the end	eighty-two	ten	three	J. J. Jones Esq.		do
	October	Twenty-two	called to the end	twenty-two	ten	three	J. J. Jones Esq.		do
1847	February	Thirty-seven	called to the end	thirty-seven	twelve	twelve	J. J. Jones Esq.		do
	April	Twenty-two	called to the end	twenty-two	ten	ten	J. J. Jones Esq.		do
	July	Eighty-two	called to the end	eighty-two	ten	three	J. J. Jones Esq.		do
	October	Twenty-two	called to the end	twenty-two	ten	three	J. J. Jones Esq.		do
1848	February	Thirty-seven	called to the end	thirty-seven	twelve	twelve	J. J. Jones Esq.		do
	April	Twenty-two	called to the end	twenty-two	ten	ten	J. J. Jones Esq.		do
	July	Eighty-two	called to the end	eighty-two	ten	three	J. J. Jones Esq.		do
	October	Twenty-two	called to the end	twenty-two	ten	three	J. J. Jones Esq.		do
1849	January	Thirty	called to the end	thirty	ten	ten	J. J. Jones Esq.		do
	February	Eighty-two	called to the end	eighty-two	ten	three	J. J. Jones Esq.		do
	March	Twenty-two	called to the end	twenty-two	ten	ten	J. J. Jones Esq.		do
	April	Twenty-two	called to the end	twenty-two	ten	ten	J. J. Jones Esq.		do

3.

House of Commons.

MINUTES OF EVIDENCE,

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of Dublin.*Martis, 6^o die Maii, 1823.*

Sir ROBERT HERON, Baronet, in the Chair.

Mr. BARRETT WADDEN, called in; and Examined.

WHAT is your name?—Barrett Wadden.

Where do you reside?—In Palace-street, Dublin.

What is your situation in life?—That of a silk manufacturer.

Will you state to the Committee, whether you know a person of the name of McConnell?—I do.

What is he by business?—A silk manufacturer; in the same business that I am.

The man who was before the Committee last night?—He was before this House last night.

Do you remember seeing that man, about the time of the trial of the rioters in Dublin?—He is my wife's son by a former husband, and is constantly in the habit of visiting at my house; and I saw him the Wednesday after the riot had occurred in the theatre.

Did you continue to reside in Dublin afterwards, till the trial took place?—I have no other residence at present.

Did you continue to reside there until the trial took place?—I did.

Do you remember seeing that man, about the time of the trial, or shortly after?—Yes, I did.

Did he make any communication to you, about that time, of any thing that he had heard?—He did.

State to the Committee when that was, as nearly as you can?—The communication was made to me on the Wednesday following after the Saturday on which the riot had occurred in the theatre; that was the 18th of December, the riot having occurred on the 14th.

What was it that he stated to you, at that time?—On the evening of Wednesday he called into my house, when we were going to tea; and he expressed his surprise at the conduct of Mr. Sheriff Thorpe, in whose company he had been the preceding evening; his identical words were these, "that the sheriff had not only betrayed great ignorance, but that his conduct was so extraordinary, that he could scarcely believe the man to be in the right use of his senses;" that there were a number of persons present, namely, the sheriff, the sheriff's lady, Mrs. Sibthorpe, Mrs. Sibthorpe's daughter, John McConnell, young Mr. Sibthorpe, and William Graham, one of the rioters, or at least one of the persons supposed to be a rioter in

Mr.
Barrett Wadden.
Third Day.
(May 6.)

Mr.
Barrett Wadden.

Third Day.
(May 6.)

the theatre the preceding evening; that they were playing at cards, and that William Graham in playing the knave of clubs, threw it down, and said, "there's the lord mayor and be damned to him, I wish he were out of office till I could have a lick at him;" that Mrs. Sibthorpe sat in one corner of the room, and she said, "how could you do it, for you are too little;" Graham was a very small man, and his answer was, "by God, I would jump up and have a lick at his neck;" that the sheriff then said, "be damned to the Marquess Wellesley, we shall do no good in this country until he is out of it;" That in another part of the evening, a question was asked by John McConnell, namely, "what is likely to become, or what is likely to be done with the persons, now in confinement for the alleged riot?" and that the question was put by John McConnell, not to any particular person in the room, but it was answered by the sheriff, "they are in safe hands; I will give them a jury that will acquit them, for I have an Orange panel in my pocket," at the same time tapping his pocket. This was the communication made to me the following evening, that was the Wednesday evening; the conversation having occurred in Mrs. Sibthorpe's parlour the Tuesday evening; and certainly I did consider the communication to be of that importance, that I was only discharging the duty I owed my fellow citizens and my country at large, in communicating it to the government, which I did. I have only to add one other matter, that he also informed me, that the last words that the Sheriff Thorp used on that evening; it was a very cold night, about eleven o'clock, when he retired home, in buttoning up his coat, just as they opened the door, he said, "well, at all events, be damned to the Marquess Wellesley." I think that was the whole of the communication that John McConnell made to me.

Will you state, when you communicated this to the government?—I received this information on Wednesday; the following day I communicated it to the government, which was Thursday; and on the Saturday following, John McConnell was summoned up to the Castle; and the matter there, I believe, taken upon oath.

Will you state, to what person you communicated it?—I communicated it to Mr. Matthews.

Who is Mr. Matthews?—I understand he is an assistant to Mr. Johnston, the private secretary of the lord lieutenant.

Did you mention it to any other person, whom you considered as belonging to the government?—In consequence of that communication which I had made to Mr. Matthews, the attorney general saw me, and had a conversation with me about the matter.

When was that?—On the Thursday after the day I had received it myself.

Where did you see the attorney general?—At his own house.

Did you state to the attorney general, what you have mentioned to this Committee now?—No, I did not.

Any part of it?—I did, the principal part of it.

Have you been unfortunate in trade?—Extremely so; for after having gone through a multiplicity of business, and making a considerable property, I have lost it.

Have you been a bankrupt?—I have been a bankrupt.

Have you obtained your certificate?—No, for I did not want to obtain it; the commission having been superseded, and I reinstated in my business, to the satisfaction of my creditors; for I have but two in the world.

Have you at any time, been compelled to leave Ireland?—Never; I have never been compelled to leave my house for one moment.

The number of creditors you have, you state, to be two?—Yes.

And that is all?—That is all; that is, when I say I have two creditors, I mean to be understood, as giving the expression this meaning, that if all the other of my debts were put together, such debts as a man keeping house, may owe, I am not aware that they would amount to 15 l.

You mean, that those are the real efficient creditors; and that the others are mere ordinary debts?—Exactly so; I have also the satisfaction of knowing, that those two men would go any distance, at this moment, to serve me.

You have said, that you stated part of what you have now stated, to the attorney general, and part you did not; will you state, what part you did not state?—The communication that I made to the attorney general, in the first instance, principally alluded to the expressions that were used by Graham, as applicable to the lord mayor; the House will please to observe, that our lord mayor of Dublin is a cardmaker, and that when the knave of clubs was thrown down by Graham, it was accompanied by

Mr.
Berrett Waller,
Third Day.
(May 6.)

by that expression as applicable, not only to the lord mayor as such, but as card-maker; and the communication I made to the attorney general, as it related to Mr. Sheriff Thorp, was the expressions I have stated the sheriff to have used, as applicable to the Marquess Wellesley; for it may be also necessary that I should state, that the whole of the evidence that I have now given to the House, was not communicated to me by John McConnell, at one time.

Did you mention those remarkable circumstances of having an Orange panel in his pocket, to the attorney general, in your first interview?—I did not.

Why did you not?—Because the communication had not been made to me, I would divide the communication into two parts, the first was made to me on the Wednesday following the riot in the theatre; the second, as applicable to the Orange panel, was made to me on the following Saturday morning.

When did you mention that to the attorney general?—As well as my memory serves me, that communication I mentioned to the attorney general, in a letter written by me to him not very long ago; perhaps it may not be more than a fortnight or three weeks ago, I cannot speak with exactness to dates.

Then you looked upon it as an immaterial part of the conversation?—As a very material one, a most material one; and the reason that I did not make the communication sooner to the attorney general was, that the attorney general himself was acquainted with the fact, I believe in one hour after it had been communicated to me on the Saturday, that I at first heard it.

On the Saturday that you first heard it?—I heard it about twelve o'clock, and I have good reason to believe that the attorney general had the information on paper from John McConnell an hour afterwards.

Do you mean that John McConnell wrote to the attorney general, to give him this information?—I mean that he was sent for to attend the Castle, and that when he was brought to the Castle, he was there examined on oath, and that the fact of the sheriff having said that he had an Orange panel in his pocket, for the trial of those traversers, was then sworn to by John McConnell.

Do you know on what day that was?—Saturday.

What Saturday?—The 21st of December.

That was the day that he was examined?—Yes.

Did not Mr. Sheriff Thorp levy an execution on your goods?—No; perhaps the question is not put to me as it should be, I beg pardon for the expression; but it was the trustees of my wife's marriage settlement, that levied the execution, and Sheriff Thorp consequently was the officer employed to do it.

You know John McConnell of course very well?—do.

Is he any way deficient in memory?—I should think not.

You are sure he stated to you the whole of what you have stated to the House?—Oh! I am perfectly sure of that.

Did he state any more?—No more.

You and he were then on good terms?—Yes.

You are not so now?—I cannot say that I am on unfriendly or bad terms with him. I conceive it to be my duty, and I am sure the House will pardon my giving an explanation, that perhaps I am bound in justice to my own character to give; I left Dublin on the 17th of January last, for the purpose of my business; I was then absent a fortnight in Manchester, purchasing of goods; on my arrival, on the 31st of January in Dublin, I was then told, for the first time, that an execution had been levied upon my property for the payment of my wife's marriage settlement; on making an inquiry into the extraordinary circumstance of my property having been pounced upon during my absence, and my wife made the unhappy tool of doing that, I went to inquire who could have induced her, or under what extraordinary influence the woman could have acted; for I am sorry to say, that she absconded from my house, and I have never seen her from that hour to this, and I am left to be both father and mother to four little girls; I was then informed it was under John McConnell's advice that the woman had acted; and with that impression upon my mind, I feel that I am only acting according to my duty to myself, in having no intercourse whatever with him.

Is there any political difference of any kind, between the person of whom you are speaking and yourself?—Perhaps I am only speaking truth, to say, the present misfortunes which surround me, are owing to my political opinions.

Will you explain, a little more particularly, what you mean by that?—As soon as I grew up to manhood, and got, what I considered, a hold in society, I was always surrounded with an honest ambition to make myself useful; and that desire

Mr.
Barrett Wadden.

Third Day.
(May 6)

of usefulness acting on feelings very actively alive to what I considered the good of my country, urged me continually to stand against whatever I thought injurious to those interests; hence it came, that I have been many times opposed by persons far above me in life, who indeed I have no doubt whatever were influenced by an equally honest mind; but I have good reason to believe that the lad whom I reared, and into whom I thought to inculcate the same principles, has, since he left my house, got into other society, that are making very rapid progress indeed upon him; for it was only a few days before I left Dublin, that I was informed by a person that lives with him in the same house, that there was every exertion made and making to get him, as a member, into an Orange lodge. Perhaps I may also be permitted to say, in justice to John McCusnell, I conceive I should tell this fact of him; I asked him, when he made the communication, "John, how came it that you would stand by and hear such a declaration made, why would you sit in company, and hear the Marquess Wellesley so very disrespectfully spoken of?" the answer he made, was a very proper one; "I am a very young man, and it was the first time I had ever sat with the high-sheriff of the city of Dublin, with the gold chain round his neck, and I did not think it belonged to me to enter into any combat or controversy with him."

You are understood to say, that you are in political opinions opposed to that which is called the Orange party?—Decidedly; for the simplest of all reasons, if I were called upon to give them; perhaps I will be permitted to say this, that when I say I stand opposed to Orange society, I am equally sincere in saying that I belong to no society; I am neither whiteboy nor blackboy, nor freemason, or any thing else.

Do you ascribe any of those misfortunes of yours, to any of those political opinions you have formed?—Yes, I do, certainly.

Was there no other reason for your separation from your wife, save and except her having got that execution against your property?—None, under heaven; so far from that, I have received two letters in Dublin, for they were sent here last January, and I was not in London last January, I went no further than Manchester; the letters were returned to Dublin; they were written by one of the trustees under this deed of marriage settlement, Mr. Osborne; and in these two letters which he sent me, and which I afterwards received, he expressly states, that he had waited upon Mrs. Wadden to know what could have induced her to take such proceedings against me; and that the answer she gave was, that feeling that trade was getting so bad, she was determined to secure the property she had a right to secure, and that she was advised to take those proceedings.

Mr. William Poole, called in; and Examined.

Mr.
William Poole.

WHAT is your situation in life?—I live on a small property I have in the county of Dublin.

Will you state whether you are an alderman of the city of Dublin?—I am not.

What is your situation in life; what business or profession do you follow?—I follow no profession or business at present; I occupy some land, which I hold to my advantage.

What situation have you in the corporation, if any?—I have a situation in the corporation.

What is it?—I have been a member of the corporation since 1802; I represent the brewers; and since that period to the present, I have never ceased to represent that very respectable corporation.

What do you call them, the Company of Brewers?—The Corporation of Brewers; they are composed of very respectable members. The late governor of the Bank is one of the corporation; the present deputy-governor is another; and a brother of the member for Wicklow, Mr. Henry Grattan, is another. The corporation is generally composed of that description of persons.

Were you residing in Dublin at the time of the riots in the theatre?—I was residing in the Palleyroon, in the county of Dublin.

Were you in the habit of being in Dublin daily at that time?—I was.

Of course you remember the time of the trial of the persons charged with committing a riot in the theatre?—I do, perfectly.

Do you know Mr. Sheriff Thorp?—I do.

For what length of time have you known him?—For many years.

Do you remember about the time of the alleged riot and those trials, having any

Mr.
William Poole.
Third Day.
(May 6.)

any conversation with Mr. Sheriff Thorp on the subject of the jury?—I had a few words on the subject of a jury, but it was before the riot took place at the theatre; it was on the commission grand jury for the city of Dublin, where I have been in the habit of attending, and have been very high on the panel, which would appear on reference to them; and I spoke to Sheriff Thorp, en passant, one day in Sackville-street, saying "I should wish to be on the next commission jury;" and he said, it should be so.

When was that; you say, it was previous to the riot?—I think it was about the middle of November.

What passed between you and Mr. Sheriff Thorp?—Merely what I have stated; I requested to be on the jury the next commission, and he said I should be so.

Did you see Mr. Sheriff Thorp again, either before or shortly after the trials of the alleged rioters?—I did not see Sheriff Thorp, to speak to him, on the subject of the jury, until after the jury were sworn, and then I saw him in the sessions house, and spoke to him.

That was the grand jury?—Yes, the grand jury.

What passed between you and Mr. Sheriff Thorp upon that occasion?—I spoke to Sheriff Thorp in remonstrance; I thought he had treated me ill, by not putting me on the jury; and he said he had a very hard card to play, and many parties to please, I told him that was no affair of mine, but that I felt he had left me off the jury for party purposes, and had broken his word, and that, as such, I felt he was not a proper person to fill that situation of sheriff.

What circumstances did you allude to?—I alluded to his not placing me on the panel of the grand jury, and I alluded to the circumstance of the trial of the rioters.

You were understood to use the word promise?—Yes.

To what did you allude when you used the word promise?—I alluded to the conversation we had in Sackville-street en passant.

The conversation which was alluded to a few questions back?—Yes; the only conversation I had with him upon the subject.

What did Mr. Sheriff Thorp say to that remonstrance?—He said he had a very hard card to play; it was impossible he could please all parties.

You were understood to say something about leaving you out for party purposes?—Yes; I said that he had left me out of my place in the jury, for I had been in the habit of being very high on the jury, for party purposes; that he had broken his word for party purposes, and I felt that he had acted improperly.

What did you mean by leaving you out for party purposes?—What I meant was this, because I abided by the King's letter; and in the election for the brewer's corporation, the respectable part of that corporation, with my own exertions, put out a Mr. Sutter, who made himself very conspicuous in dressing the statue of King William, and in acting in collision with His Majesty's government, in opposing their measures.

Who was that Mr. Sutter?—He was a member for the corporation of brewers.

Had that Mr. Sutter once belonged to the brewer's corporation with you?—He did.

Had you contributed to oust him, to expel that Mr. Sutter from that corporation?—I certainly voted against him.

When was that?—That was about, I think, the beginning of November; it is in the newspapers.

What November?—Last November.

When you made those observations to Mr. Sheriff Thorp, that you had been omitted for party purposes, did Mr. Sheriff Thorp make any answer to you, and what, if any?—I have stated before, that he said he had a very hard card to play; and, to the best of my recollection, he said, "conciliation men" would not do for that jury; or words to that effect.

Was that after you had said, that you were omitted for party purposes?—Yes; it was in the course of that conversation; it was after that.

Do you know whether Mr. Sheriff Thorp is acquainted with that Mr. Sutter?—I know he is.

Is he intimately acquainted with him, or not?—Intimately acquainted.

Do you know of any cause for your being omitted from that panel, except what had passed with respect to Mr. Sutter in the brewers company?—I do not.

Had you ever any difference with Mr. Sheriff Thorp, of any kind, before your being omitted?—We never agreed in politics.

Mr.
William Poole.
Third Day.
(May 6.)

With the exception of that, had you ever had any personal quarrel or dispute with Mr. Sheriff Thorp?—I never had any close acquaintance with him, to give him that opportunity.

The Committee is to understand from you, that there never had been any dispute, except a general political dispute, with Mr. Sheriff Thorp?—Oh! never; in fact, Sheriff Thorp and I have been aloof in life; we have not been connected, we have not mixed much together.

After this conversation, which you have detailed, upon the subject of your omission, did any thing further pass between you and Mr. Sheriff Thorp?—I do not think I saw Sheriff Thorp by any chance, until the quarter's assembly after, that is, a meeting of gentlemen of our corporation, which takes place quarterly; and the next quarter day I met Sheriff Thorp on the stairs, I think coming up; I was going down, and Sheriff Thorp got hold of my hand, before I knew who it was; he said, "I hope every thing will be forgiven and forgotten, and we shall be friends;" I walked down and took no notice. Connected with this, I would mention, that he asked me to his civic dinner, and pressed me to go; I said, if I dined in town I would; but, at the same time I had no intention of going, and so I dined in the country; there is another dinner follows a week after that, and I was invited to that, but I did not go.

Has there been any other quarterly assembly, since the one, of which you have been speaking?—There has been one, last April.

Did you see Mr. Sheriff Thorp at that quarterly meeting?—I certainly did, in the chair.

Did any thing pass between you and Mr. Sheriff Thorp, upon that occasion?—This Mr. Sutter is returned for the merchants; he was brought in by a party in the merchants' corporation; this gentleman, Mr. Sutter, got up to move a resolution for a committee to prepare a vote of censure and petition to this Honourable House, condemning the measures of the attorney general for Ireland; I opposed him, and moved an amendment; and I was seconded; but Mr. Sheriff Thorp declared the measure to be carried, and refused putting my amendment.

You state that the amendment was seconded; was it seconded so that Mr. Sheriff Thorp could hear it?—Yes, it was seconded by Mr. Fitzsimmons, who deprecated the measure altogether; it was in the Freeman's Journal of the next day.

Did he make a speech?—Yes.

Mr. Sheriff Thorp must have heard it?—He must have heard it, certainly.

Mr. Sheriff Thorp was presiding on that occasion?—He was presiding as Sheriff of Dublin, in the chair.

What was your reason for asking to be on the grand jury?—The only reason I had, or one of the reasons, was, that it was my right to be on it from my standing on the corporation; another reason was, there was a gentleman, a Mr. O'Meara, whom I had known for some years, he called upon me to say, that he saw my name on the panel, and to request I would attend on the next jury; I said I had no objection; he began stating the case with respect to some affair that occurred between him and Lord Rossmore, about seventeen years back; I interfered, and said, if I was one of the jury I would do every justice, but he must pardon me from bearing one word upon the subject till the witnesses came into the jury box.

Did you, to either of the sheriffs, express that motive for wishing to be on the grand jury?—I did not.

Did you tell either of the sheriffs, that you knew more of that affair than any man else?—I did not.

Did you apply to Sheriff Cooper, to be on the jury?—I did.

What reason did you give to him?—I was passing by Alderman Smith's, and he called me in; this was after the riot took place at the theatre, that I spoke to Sheriff Cooper; and Alderman Smith wished me to be on the jury, and he expressed his surprise; he said, "Mr. Poole, I regret that your name is off the panel; that you are not to be on the panel, that speech you made at the Brewers' Corporation, that conciliation speech, is the reason you are not to be on the jury; Sheriff Thorp will not put you on, I would recommend to you to go over to Sheriff Cooper, and speak to him on the subject."

Sheriff Cooper was not present at that conversation with Alderman Smith?—He was not.

You have mentioned Mr. O'Meara; what had he to do with the grand jury?—I stated, I believe, that there were bills of indictment, I heard, preferred against him

Mr.
William Poole,
Third Day
(May 6.)

him on a business which stood seventeen years back; and he called upon me to say, he had seen my name upon the former panels, and to request I would attend upon that panel. I told him, it was very possible I might, and I would. This was long previous to the riot at the theatre. I met Sheriff Thorp, and said, "I wish to be on this commission jury." "You shall be on it," he said, "certainly."

You applied to Sheriff Thorp after Mr. O'Meara spoke to you?—No, I think not; perhaps I might; indeed I cannot say.

Was it before or after the conversation with O'Meara, that you applied to Sheriff Thorp?—I rather think it was before.

Was it before or after you applied to Sheriff Cooper, that you had that conversation with O'Meara?—Certainly before I applied to Sheriff Cooper; for I applied to Sheriff Cooper not more than three days before the jury was struck. The jury was impanelled on the 1st of January 1823, and I think it was only three days before that, when I was told by the lord mayor elect of Dublin, my name was omitted for party purposes.

Then, after Mr. O'Meara suggested you to be on the grand jury, you certainly applied to Sheriff Cooper to be one; and you are not clear, whether your application to Sheriff Thorp was before or after your conversation with O'Meara?—Yes.

Were you acquainted with the circumstances attending the accusation against Mr. O'Meara?—I was not.

What was the accusation against him?—I cannot tell; when he requested me to attend, he began to tell the story, and I told him I would not listen to him! I thought it was not his place to tell me, nor mine to attend to him; that when the witnesses came into the jury-room, I would there examine him, and he might depend on justice being done to him.

Do you know what the crime charged to him was?—Upon my honour to this honourable House, I do not know at this moment.

Whether murder, robbery, perjury, or what?—I heard it was some transaction with reference to Lord Rossmore, and nothing more I know of it; I was determined not to be informed of it by any means but the regular means.

You have never heard by common report, during the seventeen years that that transaction was going forward, the nature of the accusation that was made against Mr. O'Meara?—On my honour, it lay dormant, as far as I knew of it, till within these six months; and then I knew very little of it, and have not troubled my head about it since.

Are you intimate with Mr. O'Meara?—No, not very; I have known him some years, but we never were very intimate; he lives about four miles from me, in the country; I never dined with him, nor he with me.

Then how do you account for Mr. O'Meara asking you, as a friend, to attend the grand jury for him?—He knew me; and not knowing the gentlemen who were in the habit of being on the corporation juries, he naturally came to me.

Do you consider Sheriff Thorp as a high party man, in the city of Dublin?—I do.

How do you describe what you term to be a high party man?—He is what is called a "Protestant ascendancy man;" that is the term we give it in Ireland.

In what light do you consider your own disposition in politics?—In politics, I have ever adhered to what was called "The Prince's party," till he came to the throne; and now I abide by The King's Letter, and his admonition to His Irish subjects. That is what I consider myself; and what I have ever been, I shall remain.

Do you believe, that you are considered in the city of Dublin, by those who do not think exactly as you do, as a high party man, in your line of conduct?—I rather think not; for I do not mix very much with the corporation; but I am very steady, whenever it is necessary.

You have referred to the newspaper; are you the Mr. Poole that has appeared so frequently in the newspaper, as an individual, at various public meetings, and being left in very considerable minorities on propositions you have made at those public meetings?—I have never attended a public meeting unconnected with the corporation.

Is there any other person of the name of Poole, but you, in the corporation?—I say, I never attended any public meeting unconnected with the corporation; I am the only person of the name of Poole in the corporation.

Have you been in the habit of attending a great many public meetings in the city of Dublin?—I have not.

Mr.
Walslow Poole.

Third Day.

[May 63]

The corporate meetings?—I attend the quarterly meetings, and those only occur four times a year, therefore that is not often.

Have you been in the habit pretty constantly of attending those corporate meetings?—I have.

Have you been successful, or generally disappointed, in the propositions you have made at those corporate meetings?—I regret to say, that I have not been successful latterly; I think I have, for I took an active part for the Lord Mayor elect of Dublin, and he is reckoned what is called a conciliation man, and I carried his election; our friends therefore think we are mending.

You have said, that from the time you applied to Sheriff Thorp to place you upon the grand jury, which he had promised you so to do, you did not see Sheriff Thorp until after the grand jury panel had been struck?—I did not speak to him upon the subject.

You have said, that upon meeting Sheriff Thorp, you taxed him with a breach of promise, and told him he was a party man, and unfit for his situation?—That was after the jury were sworn. I really would not have taken the trouble, even to have gone up to the session house, up where the jury were sworn, but I felt hurt and indignant that I should lose my place upon that panel, on the motives attributed to me; and I did, therefore, go there and address Sheriff Thorp, as I have stated; if I had not felt that I was left out, I would not perhaps have gone there at all.

Do you consider that there was much conciliation towards a brother citizen, with whom you had been in habits of intimacy before?—O never; I never said that I was.

Do you think there was much conciliation, without any reason assigned by the sheriff for having left you out, that it was conciliatory or respectful conduct, without any thing of party having been stated by Sheriff Thorp, as the reason for leaving you out, to make such an attack on Sheriff Thorp?—I must say, with very great deference, the honourable member has not shaped his question in a way that I can give him a fair answer: Sheriff Thorp did state, that it was from party motives; and he did state, from the speech I made in the corporation of brewers, and turning out the champion of their Orangism, Mr. Satter, that that was the cause of his leaving me off that panel; therefore there was not much conciliation in that.

Did he state that to you?—To the person who told me so.

Who was that?—A most respectable alderman of the city of Dublin.

Who was the alderman?—The alderman was Alderman Smith, of the city of Dublin, Lord Mayor elect, who is in attendance; I did not wish to mention his name, but since you have called upon me, I have no hesitation.

You have said, that one of your objects for being on that grand jury, was that you considered it your right?—Yes, from my standing in the corporation.

Was it a presenting grand jury?—It was not.

It was a commission grand jury?—It was a commission grand jury.

Is it usual for men in your high station in the corporation, to solicit to be on the commission grand jury?—It is generally the practice in the corporation, that any member of it who wishes to be on a particular jury, if they merely signify their intention, they are put on.

If they signify their intention to the sheriff?—Yes; it is a matter of course.

With gentlemen of your rank in the corporation, when a gentleman of your rank solicits to be put on, you consider it your right?—I did not make any solicitation about it.

You asked to be on, you thought it your right?—I did.

You thought it your place; you thought it became a man of your station in the corporation, to be on a commission grand jury; is that your answer?—Yes; for I was on for the last year, when Sir William Smith was high sheriff of Dublin; I think I was on three commission grand juries.

It is no degradation to a man of your consequence?—I do not call myself a man of consequence; but I come here determined to tell the truth. And there is another thing has occurred to me with regard to this jury, which I think it right to state to this House: Sir William Smith, when he was sheriff of Dublin, abided by the King's letter, and would not give those obnoxious toasts which we consider so injurious to the country; it was his right, I repeat it, to be foreman of that jury in January 1823; he was off of that jury. I was told, when I mentioned that circumstance, that Sir William Smith was in England. I made it a point to see him before

Mr.
William Poole.
Fourth Day.
(May 6.)

before I left Ireland for this country, and I met him the night before, and said, "Sir William, were you in London when the commission grand jury of January 1823 was sworn?" he said, "I was not;" I said, "Were you applied to by Sheriff Thorp, in the usual way, to be put upon that grand jury as foreman?" he said, "I was not, nor was I even summoned."

Who is Mr. Macnamara?—I never have mentioned any Mr. Macnamara.

Mr. O'Meara, to whom you have referred, what is his profession; has he any particular description?—I never employed him professionally.

Is he a professional man?—I believe he is.

Is he a man called Mr. T. O'Meara?—I believe he is.

You are not sure?—I believe I am sure he is.

Was not that man charged with swindling?—I never heard it before, nor do I believe it.

You did not know that, when you applied to the sheriff?—I did not.

Did you tell the sheriff that he was?—I never did.

What answer did Mr. Sheriff Cooper give you, when you applied to him?—Sheriff Cooper said, that he felt that I ought to be on the jury; but, says he, "it is not my quarter, I have got the impanelling of the jury; but go up to Sheriff Thorp, he has the panel in his pocket; he is attending the Recorder's court, and I dare say he will arrange it for you." I went out of the gate with that answer; but I never went to Sheriff Thorp; I felt indignant, and determined not to let myself down.

Will you attend to the statement which has been made to the Committee, and state whether it is correct.

[The following Extract was read from the Evidence of Mr. Sheriff Cooper, of yesterday.]

(p. 45.)

"Was Mr. Poole's one of those names that was struck off?—He was.

"Have you heard, or do you believe, that before the riot had happened, Mr. Sheriff Thorp had promised to put Mr. Poole's name upon the panel?—Mr. Poole told me so himself.

"Do you believe that?—Yes, I do.

"That he had promised him before the riot?—I do not know as to the time of the promise.

"Have you any doubt the promise was before the riot?—I declare the time was not stated, and I do not know whether it was before or after.

"Do you not know that, afterwards, Sheriff Thorp refused to let his name remain upon the panel?—He agreed in the objection, in consequence of Mr. Poole requesting me to speak to Mr. Sheriff Thorp to put him on; we thought that he had some motive we did not know; I objected to him under those circumstances.

"In the interval between his having been promised to be put on, and his being struck off, did not Mr. Poole take an active part in the corporation, to prevent the dressing of the statue?—Not to my knowledge.

"Have not you heard of it?—I have heard of it.

"Do not you believe it?—I do not know of any active part he could take to prevent it; the police prevented it.

"Had he not been an active person in the corporation, to declare his disapprobation of it?—Yes.

"And had done so in December, in the corporation?—I so understood that he always did.

"Have you not heard that Sheriff Thorp declared he could not place him upon that panel, because he was a "conciliation man"?—No, I never heard those expressions.

"Or any expression to that effect?—No; Sheriff Thorp did not communicate that to me.

(Mr. Poole.)—I believe that is pretty much in coincidence with what I have said here.

[The witness was directed to withdraw.]

[The witness was again called in, and the following further Extract was read from the evidence of Mr. Sheriff Cooper.]

(p. 46.)

"Did Mr. Sheriff Thorp represent to you, that a man of the name of Poole had applied to be on that grand jury?—He did.

Mr.
William Poole.

Third Day.
(May 6.)

" Mr. Sheriff Thorp suggested that to you?—No, Mr. Poole applied to me.

" Do you recollect Mr. Sheriff Thorp making any observations on the name of William Poole, on that list?—I recollect that we had a communication, and that a conversation occurred, that Mr. Poole had applied to me; he came to my office to say that Mr. Sheriff Thorp promised to put him on that panel, and applied to me to speak to Sheriff Thorp; I told him that it was his quarter, and I referred it to him.

" What passed between you and Mr. Sheriff Thorp, upon the subject of Mr. Poole?—It was, that in consequence of his application, we mutually agreed that we did not think he should be one on the panel, from his application.

" You thought, in consequence of his application to be on that jury, he was an unfit person to be on the panel?—We mutually thought so; I did not inquire into his motives.

" It was by Mr. Sheriff Thorp your attention was called to the name of Poole, upon that list?—I had myself an objection, in consequence of his calling on me.

" In which objection Mr. Sheriff Thorp concurred?—He did."

IS there any part of Sheriff Cooper's testimony, which you have just heard read, which you object to in point of fact?—I think for the most part it is not founded on real fact; the only part that I conceive of that, that I know to be true, is, that in which he says, he referred me to Sheriff Thorp at the sessions house, who had the panel in his pocket; as to the rest I know nothing about it.

As far as it states what passed between you and Sheriff Cooper, is it correct?—As excusing himself by saying it was Sheriff Thorp's quarter, and he would not interfere, and to go up to Sheriff Thorp at the court, that is perfectly correct; as to the rest I know nothing about it.

As to those parts of the evidence which refer to transactions between the two sheriffs, at which you were not present, you know nothing whether it be true or false?—I do not.

In consequence of that, did you go to the recorder's court?—I did not.

You say you did not go to the recorder's court in consequence of that?—I think the Honourable Member mistakes me; the recorder's court is not the commission court, they are different courts; the recorder presides at the sessions court, the judges preside at the commission court.

Where was it you were advised to go?—To go to the recorder's court, who was sitting.

Did you accordingly go to the recorder's court?—I did not; and I beg leave to state, that that was previous some time to the impanelling of the jury, on the first of January 1823.

Did you, in the recorder's court, make this request to Sheriff Thorp, to beg to be put on the grand jury panel, because otherwise justice could not be done to Mr. O'Meara?—It was impossible that I could have made such a request in the recorder's court, because I never went there.

Did you make that request to Sheriff Thorp, and for that reason, previous to the impanelling of the grand jury?—I did not.

You state that you were very anxious to be on the grand jury panel in January 1823?—I think not; I did not state that I was very anxious.

You were understood to have made application to Sheriff Thorp, to place you upon that panel?—I said, I thought he ought to do it; or, I should be obliged to him if he would place me on it, or place me upon the panel next commission that took place; something of that kind, it was not above two or three words.

Did you offer him any inducement for doing so?—None, whatever.

Did not you tell Mr. Sheriff Thorp, that if he placed you upon that panel, in order to try Mr. O'Meara's case, you would not divide on the play house riot?—Before I answer that question, I must give a little explanation; I did not make any compromise or offer; if the House thinks proper, I will give an explanation, as I was really indignant at hearing a speech——

[The witness was directed to withdraw.]

[The witness was again called in.]

Chairman.]—William Poole, in the answers you shall give to the questions which are asked you, you will not forget the respect which is due to this House; you are

to

Mr.
William Pade.
That Day.
(May 11.)

to consider all questions, from whatever quarter they may be put, (which is a matter merely of convenience in form) as being put by the chairman; you will therefore take care to avoid making any personal reflection on the person who may happen to put them, or any allusion to persons who may put them; but in giving you this warning, it is not my intention, nor the wish of the House, to prevent you from saying any thing in explanation, which you may think necessary for your own justification.—I never had the slightest intention to be guilty of any disrespect.

Did not you tell Mr. Sheriff Thorp, that if he placed you upon that panel, in order to try Mr. O'Meara's case, you would not divide on the play house riot?—I never did offer any such compromise.

Have you any explanation to give upon that subject?—As it alludes to a speech of an Honourable Member, I beg leave to decline it, lest I should not set with that decorum which I would wish; I have never been before so august an assembly before; I came here to tell the truth; I trust it will turn out that I have done so; at the same time, I think I have been treated very ill by Mr. Sheriff Thorp, in being misrepresented.

Have you any objection to give that explanation, always understanding, that you must give it with perfect respect to the House at large, and with perfect respect to every individual in it?—I have not the least hesitation in doing so, but I could not do so without mentioning the name of the Honourable Member for Armagh.

[The witness was directed to withdraw.]

[The witness was again called in.]

Chairman.—You are permitted to make the explanation you desired.—I read in the Courier, in the debates of this House, that my name was mentioned, as having made that compromise, that offer to the sheriff, that I would not divide on the bills, with regard to the riot, if he put me on that jury for my own purposes; now I declare, in the face of this assembly, that is as gross a libel as ever was uttered as the reputation of any man; I never said nor thought of such a thing, nor would any inducement under heaven induce me to compromise; and if I had done that, I should have done it.

Was any person present when you had a conversation with Mr. Sheriff Thorp as to placing you upon this panel?—When first I mentioned to Mr. Sheriff Thorp my wish, there was no one present; it was en passant in the street; and I never spoke again to Mr. Sheriff Thorp upon the subject, till the jury was sworn; I say that positively.

Are those persons, you describe as "conciliation men," the persons who are for adhering to the recommendation in His Majesty's letter?—Yes; they adhere strictly to the King's letter, and to the government of Marquess Wellesley in Ireland.

Will you state why you considered it was Sir William Smith's right to act as foreman of the commission jury, in January 1823?—I will; I have been serving of the grand juries for a number of years, and I never knew a late sheriff, who was not placed as foreman on the ensuing commission grand jury; that is his right, as it is that of the late lord mayor to be placed on the next term grand jury; the lord mayor is foreman of the ensuing term grand jury; the late sheriff or junior sheriff, is placed upon the commission grand jury as foreman.

Then, during the years you have been in the corporation of Dublin, you never knew an ex-sheriff omitted from the next commission jury, till January 1823?—No; and there is an occurrence which shows that etiquette was observed last year; Sir George Whitford, who was the foreman of the grand jury in January 1823, where Sir William Smith ought to have been, was foreman of two commission juries of the last year.

Then it was the right, as you conceive, of the ex-sheriff to serve as foreman of the next commission jury?—Certainly.

You have said, you served on three grand juries under Sir William Smith; were those commission grand juries?—Yes; either two or three during Sir William Smith's shrievalty.

Was Sir George Whitford, who was upon the panel of January 1823, the sheriff of the year 1821?—He was; he was sheriff when the King was in Ireland.

Do you mean to say, that the sheriff of the preceding year is liable to be compelled to serve as foreman of the succeeding commission, or that he may do so if he pleases?—It is a compliment always paid him; and in this instance it has been omitted.

Mr.
William Poole.

Third Day.
(May 6.)

Will you state upon how many commission juries you have sat?—I declare I cannot say how many; but I know that during the last year I was on either two or three; and those commission juries were composed of a different class of men from the jury of January 1823. There were, I think, not more than three corporators upon them, four or five respectable Roman Catholics of Dublin; but not persons of the class of that in January 1823, as the panels will prove.

In what respect different?—They were men of a different description.

In what respect different; of a higher description, or lower, or in what respect different?—They were more party men than the other jurors.

Which were more party men than the others?—The jury of the 1st of January 1823; they were not the same description of men I have met on commission juries.

Of what party were they in January 1823?—According to my opinion, and I believe according to the opinion of a great number in Dublin, they were of what is called the Ascendancy party, the Orange party.

Were they the same description and rank in society as the others of whom you have been speaking, on the juries on which you served the last year?—No, by no means.

State in what respect they were different?—If I had the panel here, I could state; I saw a man of the name of Carpenter, whose father keeps a public-house on Cork-hill.

Are you to be understood, that that person, of the name of Carpenter, from the situation of his father, was of a lower degree and situation in life than the persons usually have been?—Oh, decidedly.

That is what you mean?—Decidedly so.

Do you know the party of which that man was?—I do not know the party, because I do not belong to them; but, by report, he belongs to that party I have just described; I believe he does.

Do you know any others upon that commission jury, that were of a lower situation than they used to be on former occasions?—I declare I did not attend much to it; if I saw the panel I could tell, from my knowledge of the city of Dublin, of what description they were.

[The witness was directed to withdraw.]

[The witness was again called in.]

Have you had an opportunity of reading over the names of the persons on the sworn jury?—I have read the names of that jury, of twenty-three; but I am quite disappointed in not seeing the other panel. I am not able to give the necessary information, so as to shew them the difference. I will, if you please, describe this panel to the Committee. George Whitford, foreman, that should be, according to former rule of etiquette, Sir William Smith, the late high sheriff; Abraham Lane, a common councilman, not sworn; William Sparrow, not sworn; John Foster, one of the commons, a hatter in Dame-street; Joseph Lampray, a cutler, and one of the corporation; Daniel Smith, not of the commons, sworn; Edward Cusack, sworn; James Vance, sworn; Samuel Lampray, senior, another of the commons, I believe, the sheriff elect; I am not sure which of them is the sheriff elect; John Stephens, one of the corporation, and holding a place under it; Christopher Graham, another of the corporation, in for the merchants, and so is Mr. Stephens; Joseph Henry Moore, another of the corporation, and a member for the merchants also; William Hone, is not a member of the corporation; Thomas Manders, I believe is a member of the corporation; there are three or four Manders in, I therefore put my belief to it, lest I should be wrong.

Will you state, whether or not, upon that, you discover any Roman Catholic?—Not one; I think it right to inform the Committee of another name, as I am upon this subject; this gentleman's name is Samuel Warren, he is a gentleman who came to Sheriff Cooper's dinner, when he heard the "glorious memory" would not be given there, with a placard, which he put over his head, "the glorious and immortal memory," and sat under it during the dinner. Arthur Perrin is sheriff elect, another of the corporation; Luke Connor is another of the corporation. William Carpenter, that is the person to whom I have alluded.

Is there any person there, that you do not know by character, more or less?—I do not believe there is one.

Is there any conciliation man, as you call them, in Dublin, upon the panel of that jury?—I rather think that John Charters and John Mathews, having served with those gentlemen on juries, are rather moderate men.

What

: What are the rest?—They are of that description of men that I have described before; what are called, the high Protestant Ascendancy men.

: Are they what are called Orangemen?—I cannot say.

: Before the last year, had you been in the habit of serving on commission grand juries; had you ever been upon a commission grand jury before the year 1822?—I have, to the best of my recollection, been on many, out of the city.

: Are you speaking uncertainly, as to the number, or as to the fact?—As to the fact, I do not immediately recollect it.

Do you understand the question; it does not refer to the number of commission grand juries, on which you had been before 1822; but had you been on any?—I had.

: Had you been on several?—I fancy several; for for six or seven years of my life, I did not interfere in the corporation, but lived in the country; I did not, for that space, attend them at all; I have latterly.

: In the year 1822, in three instances, you have sat with Roman catholics?—I have.

Will you state to the Committee, whether the rank of those persons, whose names you have read from that paper, corresponded in general with the rank of the persons with whom you served on the three commission juries in 1822?—By no means.

State to the Committee in what respect they differed?—The Roman Catholic gentlemen, that I met on those juries, were respectable citizens; there was a Mr. Waldron on the last jury, reported to be worth 120,000*l.*; and Mr. Burn, in Eastace-street, another wealthy merchant; there were more; the majority of them were quite of a different character to the jury of 1823.

Higher or lower?—Higher decidedly; I mean in their class in society.

: When you speak of the last jury, you mean the jury before January 1823?—No; I do not; for this reason, that Sheriff Thorp coming into office, had a commission jury that I was out on; but I allude to the jury impanelled during Sir William Smith's year of office, the preceding year; I allude to 1822.

Had you not been upon commission juries, in the year 1822?—I had.

Did you not say, you had been on three, in the year 1822?—I think so, either two or three; I think if they were shown, I should appear either the first, second, or third man, on three; I am positive I was on two.

: When you are contrasting the situation in life, of the persons on the jury in January 1823, are you contrasting them with those who had served immediately before; or with those who had served at any distance of time?—I am contrasting them with the juries which are fresh in my recollection; immediately before the preceding year; the year 1822.

You have described and commented upon the jury of January 1823, in your opinion, because the members of the grand jury, as you have stated, were protestant ascendancy men, and because some of them had drank "the glorious memory," were they, in your opinion, men who would be swayed by their political prejudices, in the execution of their duty as jurors, upon their oaths?—I really think that is a difficult question to answer; I really cannot say.

[The witness was directed to withdraw.]

[The witness was again called in.]

: Was it usual for persons of your rank and station in the corporation, to serve on commission grand juries?—It was.

There was nothing derogatory to that rank or station in so serving?—Nothing whatever.

: Although you cannot answer the question, whether a grand jury, selected in the way they were, should be competent to discharge the duty, on oath; according to your knowledge and experience of the state of party feeling in the city of Dublin, is party feeling extremely warm on the subject which has been alluded to, of the glorious memory?—It is warm with that description of people; I can explain, I think now, satisfactorily: I was on the mansion house committee, that built the great rooms to entertain the King, and the corporation had an interview with the Roman catholic noblemen and gentlemen in Ireland, for the purpose of ameliorating their conditions, and paving the way for the reception of His Majesty, so that He would be received and met by every Irishman; which turned out to be the case; the catholic gentlemen embraced the opportunity of shaking hands with their protestant countrymen, but with this condition, that the constitution should not be for temporary

Mr.
William Poole.
Third Day.
(May 6.)

Mr.
William Poole,

Third Day.
(May 6.)

temporary purposes, but be a lasting one; and, as one of that committee, I felt that that committee were pledged to abide by it, and not, by dressing the statue, or giving the toast, to disturb the feelings of their catholic fellow subjects; and that the Roman catholics who met us were pledged, on their part, that they would not act in collision with the protestants; but there is another party, who were not there, who stated that we had no authority to pledge ourselves for them.

From your experience and knowledge of the state of party feeling in the city of Dublin, were the gentlemen such as were selected on the grand jury, according to your knowledge of them, likely to have very strong party feelings?—I think the majority of them have very strong party feelings.

In your opinion, were the feelings of those jurors so well known, as that Mr. Sheriff Thorp must have known that they had strong party feelings?—I am clear that he was aware of their feelings.

You seem well acquainted with the panel of last January, had any of that panel served on the commission grand juries with yourself, on preceding juries?—Not to my recollection; the panels will speak for themselves.

Have you been in the habit of drinking the glorious memory?—I have not been in the habit of drinking the glorious memory; and particularly since that meeting at the mansion house, which I have just described; I have never mixed in those civic feasts where that I would ever drink it, or stood up when the toast was given, for I felt I should be breaking the word of the corporation if I did.

Had you not drank it before that?—I do not think I had, since 1798; I was an officer in Sir Robert Shaw's corps in 1798, at the time of the rebellion, and I think I did then.

Did you conceive yourself a worse jurymen for drinking the glorious memory?—When I pledge my word to any thing, I adhere to it strictly; and as I pledged my word not to drink that toast at the meeting I have just described, I think, if I do drink it, I should break my word, and if I did break my word, I should not have been fit for society.

It was an understanding, you say, at the public conciliation dinner, that obnoxious toasts should not be drunk; do you recollect, when that toast was afterwards given, and by whom, in the city of Dublin, and how soon after that dinner?—Yes, I do; it was not given by Sir Abraham King, during his mayoralty; but Sir Kingston James, when he came into office, gave that toast; but he prefaced it by saying, that he did not mean to insult any gentleman who was present; there were many Roman catholics there.

Was it given by Mr. Darley, the head officer of police in Dublin?—Yes, it was.

How soon after?—That had escaped my memory; it was at the conciliation dinner, at the King's dinner at the mansion house, Alderman Darley certainly at a very late hour, when all the gentlemen almost had retired, got up and gave this toast.

Do you suppose it possible, in the present state of party in Dublin, to select three-and-twenty men, who have not strong party feelings?

[The witness was directed to withdraw.]

[The witness was again called in, and the question was proposed.]

I do; I think there could be a jury, who would act with strict correctness and conscientiousness, and many such might be found in the city of Dublin, if those who impelled them thought fit to select them.

The question is not as to your opinion of the credibility or conduct of the jury when so sworn; but, whether or not it would be possible, with the present feeling of Dublin, to select three-and-twenty men on a jury, who had not strong party feelings?—I think it would be very possible to do it; I think it would be quite easy.

As you know the character of the persons in Dublin, was there, or not, any Orangemen upon that jury?—Which jury is alluded to?

The grand jury of 1823?—It would be going too far for me to designate any man with an epithet of which I am not quite sure; I cannot say whether they were Orangemen to my knowledge, but by report some of them were.

Do you mean to state, that it is impossible for you to say that there was not one Orangeman upon the jury?—To the best of my belief and knowledge, I believe there were many.

Have you any objection to name them?—I should not like that.

You

You have stated, that there was a difference in the respectability and character of the persons in the habit of attending the term grand juries and the commission grand juries?—Yes.

What reason have you for supposing that Mr. Lampray the cutler, to whom you allude, is a less respectable individual than Mr. Waldron, the Catholic gentleman, worth 100,000l?—Term grand juries are quite different from commission grand juries; term juries are composed of aldermen and sheriff's peers; they are a higher description of persons, they pass the different presentments for the taxes on the city of Dublin; the commission grand juries have nothing whatever to do with that.

What reason have you for supposing there is any difference in the respectability of life of Mr. Lampray, who is in the habit of attending grand juries, and Mr. Waldron, who is also in the habit of attending grand juries?—I have not cast a shade of disrespect over either Mr. Lampray or Mr. Waldron, but have merely stated, that the gentlemen who then served with me on the grand jury, are of a class above the gentlemen who served on the grand jury in January 1823, but I do not mean any disrespect to them.

Do you consider that those individuals in the city of Dublin, who possess the same political sentiments with yourself, are of that class of impartial men that you have described, might be selected for the grand juries in the city of Dublin?—Yes; I know of men of moderate opinions, that are loyal to their Sovereign and to the Constitution, that do not wish to outrage the feelings of their countrymen by any hostile acts; I know many of them that could be got.

Do you consider yourself of that class?—It would be perhaps presuming too much for me to say so, but I am of that class; I am loyal to the Constitution and my King; but I do not wish to insult the gross population by any act of mine.

Did Mr. Sheriff Cooper give his dinner before or after the impanelling the commission jury of January 1823?—Certainly, after; for it was in April.

Are or were you an officer of Sir Robert Shaw's corps?—I was.

In the enumeration of the grand jury, you said there were but two men that you considered "conciliation men"?—I believe I did say so.

You mentioned their names?—Yes, having served with those men on former juries.

Do you know a gentleman of the name of Tyngroes, who served upon that jury?—Yes, I know him perfectly well; he is in the corporation.

Do you know he is a supporter of the Roman catholic claims?—I cannot say, indeed; I know nothing of his political opinions.

When you have been answering with respect to the quality of the jury, and their opinions, were you speaking of the whole panel returned, or were you speaking only of those individuals, whose names you have read upon that paper, and who were actually sworn?—I allude in my observation only to the paper in my hand, which contains the jury sworn.

Mr. James Troy, called in; and Examined.

WHAT is your name?—James Troy.

What is your situation in life?—A silk manufacturer.

Of Dublin?—Yes.

Were you in Dublin at the time of the alleged riots at the theatre, and afterwards, when some bills were presented to the grand jury?—I was.

Were you before that grand jury?—I was.

On which day; the Committee have been informed, that they sat two days upon the subject; is that the fact?—I believe so; I think so.

Were you before that jury on the day the bills were ignored, or on the former day?—I believe, the former day.

On what part of the day was it that you were before them?—I believe I was the second witness that was examined.

At what time of the day?—I cannot exactly state the hour.

Morning, or afternoon, or mid-day?—In the morning, in the early part of the day.

Were you introduced to the grand jury alone?—I was.

There was no other witness in the room?—No other.

Were you examined by any person before that grand jury?—I was.

Did you make any statement of any facts or circumstances that you knew?—

I did.

308.

Mr. William Poole.

*This Day.
(May 6)*

Mr. James Troy.

To

Mr.
James Tegg.
Third Day.
(page 5.)

To what point were you giving your evidence?—Relative to a transaction that occurred in a tavern.

What tavern?—It is kept by a person of the name of Flanagan, in Essex-street, Dublin.

To a particular transaction; at what time?—The night of the riot at the theatre.

A transaction, concerning what persons?—A number of persons that were indicted.

Do you know the names?—I heard them; I do know them.

State them?—A Mr. Forbes, Brownlow, Graham, and others.

You have named the whole of the persons that you have designated, have you?—There were others in the indictment, that I do not recollect.

Had you seen some or other of those persons that you have now spoken of, at a tavern?—I had.

On the night on which the alleged riot took place?—I had.

Did you state—

[The witness was directed to withdraw.]

[The witness was again called in.]

You have stated already, that you had seen some parties, whom you have already mentioned included in that indictment, at a tavern on the night of the alleged riot?—I did.

You had gone the length of saying, that you appeared before the grand jury?—I have been before the grand jury.

You were before the grand jury upon that occasion?—I was.

Were you examined at all upon the subject of what you saw and heard at that tavern?—I was.

Did you at the time when you were before the grand jury, know the names of the particular persons?—I did.

Of all of them?—I did.

You knew the names of all the persons whom you had seen at the tavern?—When before the grand jury I did not, but on the night I was in the tavern.

Did you state, what you had heard them say and do, to the grand jury?—I did.

Who examined you?—I was examined by several.

For what length of time were you examined?—I declare I cannot say; I understood about a quarter of an hour; I was told I was in about a quarter of an hour.

To the best of your judgment, was that about the time you were under examination?—It was that at least, it was not less.

Was it much more than that?—I cannot positively say to the exact time.

How came you to quit the room in which the grand jury were?—After undergoing examination, I was told they were done with me.

Had you stated all that you had to say to the grand jury?—I think not the entire.

How did that happen; why not?—As far as I recollect at the time, I stated the occurrence that happened in the tavern; but there might be a part of the transaction that occurred there, that did not immediately come to my mind while in the grand jury room.

Had you any thing more to state; did you state to the grand jury all that you knew, or if you did not, how did it happen that you did not state it all?—It occurred when a question was put to me, in giving an answer; before my answer was entirely delivered, I was interrupted by a fresh interrogation.

Did you name the persons that were supposed to be included in that charge?—In relating the transaction as it occurred, I was desired not to name any person, who might have expressed himself in any way, whom I did not know by name, the night the transaction occurred.

Who desired you not to name any person whose name you did not know the night that the thing occurred?—I was expressly told by at least two of the jurors.

Before that time, had you stated that you did not know their names the night you saw them at the tavern, but you learnt their names since?—I had.

You were understood to say, that you had in fact learnt their names between the night when you saw them at the tavern, and your going before the grand jury?—Yes.

You had not known their names at the tavern, but you learned them between that and appearing before the grand jury, is that the fact?—In part; there are

some

some of the names were mentioned to me by a gentleman who sat with me; I did not know them myself; there was the name of one gentleman that neither he, nor I knew.

Some you had learned between the night you were at the tavern, and your going before the grand jury?—I did.

Was it one of the grand jury stated to you, you were not to name any person, except such person whose name you knew at the tavern?—It was; I was told that would not be evidence.

Was it one, or more of the grand jury, who told you that?—It was more than one.

At that time did you mention to the grand jury, when those observations were made to you, that you knew the persons of the men?—I did.

And that you had since learned their names?—I did.

Did you mention to the grand jury, that you had seen them since, and known the men again?—I did.

Was it after that, that those observations were made to you by two of the grand jury?—It was.

How long before you quitted the room was it, that those observations were made to you by two of the grand jury?—A considerable time before I left the room.

Mr. George Farley, called in; and Examined.

WHAT is your situation in life?—I am in the profession of an attorney.

In Dublin?—Yes.

Were you examined before the grand jury, upon the subject of the alleged riot at the theatre?—I was.

On which day?—I believe the first day of the sitting of the grand jury.

Upon what subject were you examined before the grand jury?—Upon the subject of a conversation that took place in a tavern, in which I was sitting.

At what time; on what day?—It was, I believe, the 14th of December.

On what day, with reference to the alleged riot?—I think it was the 14th of December.

Was it on the same day or evening on which the riot took place?—It was on the evening of that day.

What was the name of the public house?—A tavern kept by a person of the name of Flanagan.

In what street?—In Essex-street.

Had you seen some persons, and heard some expressions from them at that tavern?—I had.

Who were they?—There was a Mr. Forbes, a Mr. Graham, and two Mr. Atkinsons, sitting in a box opposite to that in which I say there were many other persons in the room; there was a Mr. Brownlow.

[*The witness was directed to withdraw.*]

[*The witness was again called in.*]

Having seen those persons of whom you have already made mention, at the tavern, you went before the grand jury?—I did.

Did you, upon that occasion, give any evidence respecting the persons you had seen, and what you had heard at that tavern?—I did.

Did you name any one person that you had seen and observed at that tavern?—I named several.

Can you mention any one that you named?—I named two Mr. Atkinsons and Mr. Graham, as persons that I knew by that name.

Did you mention any others besides those you have already stated?—I also mentioned Mr. Brownlow and Mr. Mackintosh.

By name?—By name.

Did you mention any other by name?—I mentioned that there was another person sitting in the box opposite to me, whose name I did not know at the time that I was sitting in the tavern.

What did you say further of him, or what was the observation of the jury upon that?—I was told, not to mention the name; to say nothing about what I did not know of my own knowledge; anything that I did not know of my own knowledge. I then said, that although I did not know his name at the time, yet that I had heard

308.

T

that

Mr. James Tray.

*Third Day.
(May 6)*

Mr. George Farley.

*Mr.
George Farley.*
Third Day.
(May 6.)

that his name was Forbes; I was again told not to say anything about what I did not know of my own knowledge.

With respect to that person whose name you have heard is Forbes, had you mentioned that you knew his person, or not, whatever his name was?—I did.

Was any remark made, by any of the jury, on your saying, that you knew the person of that man?—Not at that moment.

At all?—I proceeded, I was called upon to state what I had heard in the box; and in mentioning the name of Forbes, I was again interrupted, and told not to mention the name of any person except I knew it of my own knowledge; I then said I had seen him that morning in court, as well as I recollect, and that I was told his name was Forbes, and that I had no doubt of it.

That you had no doubt of him?—Yes, as being the person that I saw in the tavern; I proceeded; then I was asked to mention the conversation that I heard, and I repeated almost every thing that I heard in the box upon that occasion, as well as I recollect; and I must say, that I was very frequently interrupted when I mentioned the name of Mr. Forbes.

Interrupted by whom?—By some of the jury.

In what manner?—"You are not to say any thing you do not know of your own knowledge."

By several of the jury, did you say?—By some of the jury.

Was it by more than one?—I dare say more than one, perhaps two, perhaps three, those that sat immediately near me were the persons that used to offer those interruptions.

Did you observe the foreman of the grand jury?—I did.

Did you observe whether he took any part in it?—He seemed to take the most active part of any of them.

Was he the person who spoke to you upon any of those occasions?—He told me, twice, not to mention the name of any person that I did not know of my own knowledge; yet I was suffered to proceed, and to mention the conversation of that unknown person, or at least in that kind of way, I was suffered to mention what that person stated in the tavern.

You say, that the foreman of the grand jury chiefly interfered?—He put the questions; he asked me occasionally, what was said in the tavern; what I had seen there; and when I happened to mention the name of Forbes, because I did not know him the night I saw him at the tavern, I was told not to say any thing at all about him.

That was more than once said by the foreman?—He said, "we want to know nothing at all about what you have heard;" I said, "I had heard his name was Forbes;" he said, "we want to know nothing at all about what you have heard but state what you know of your own knowledge."

At that time, did any other of the grand jury interpose?—There was a gentleman who sat on my left, desired that I should be heard; for two or three were putting questions at the same time to me; I was mentioning something, and was interrupted.

Upon that gentleman on your left hand desiring you should be heard, what was said?—I proceeded then with my examination.

After that, were you allowed to proceed in the account you gave?—I was.

Was there any further interruption after that interference by the gentleman who sat by you?—I do not think there was; I very shortly afterwards left the room.

How came you to leave the room?—When I had finished what I had to say, of course I left it; I was told of course that they had done with me.

Who told you that?—I cannot recollect.

How shortly was it after you had mentioned the person of the name of Forbes?—A considerable time, perhaps ten or fifteen minutes.

Were not you suffered to state every fact that came within your knowledge that happened at that tavern?—I think I was.

Except, as to the name of the person?—The name of Forbes.

Every fact, except the name of the person?—If I had not been interrupted, I think I would have told every thing with more ease to myself.

Did not you state every fact that came within your knowledge, save and except the name of the person?—From the interruptions, certainly I did not feel myself easy in the room; but certainly I did at the time mention every thing that occurred to me, and was allowed to do so.

You stated, that you knew the person of Forbes?—Yes.

Did

Mr.
Gange, Esq.,
Third Day.
(May 6.)

Did you, at the time you were examined before the grand jury, know that that person's name was Forbes?—I heard it that morning, and for the first time; I saw him in court that morning, and heard his name was Forbes; I saw him before I heard his name was Forbes; and I afterwards was told his name was Forbes.

Did you mention that first to the jury?—I did.

Did the jury allow you to state the evidence against him, as being a person of the name of Forbes, or did they require that you should know his name at the time of seeing him in the tavern?—When I mentioned his name first, I said there was a fourth person sitting in the box opposite to me, whose name I did not know, but that I had since heard his name was Forbes; then I was told not to mention any thing I did not know to my own knowledge; how the jury took it, I cannot say.

Did you mention, that he had been pointed out that morning?—I told them that I had seen him in court, or in the traveller's box.

And that his name was Forbes?—Yes.

Was that the reason for not permitting you to designate him as Forbes, your not knowing him at the time you saw him in the tavern?—If I am to judge from the interruption they gave me.

Did they receive this evidence of you's as against a person of the name of Forbes, or against a person unknown?—I cannot say; I only state what I have said.

Was the bill ignored against Mr. Forbes?—I have heard it was ignored against Mr. Forbes.

Were you examined before the petit jury?—I was.

Was Forbes tried before that petit jury?—He was.

You have stated, that you have related every thing you saw Forbes do, without being permitted to say that you heard what his name was?—As well as I recollect I did nearly the same things I saw in the King's Bench, as nearly as I can recollect in amount the same.

When did you first give information of the transactions at the tavern?—I believe in a week after the transactions at the tavern.

How did you designate Forbes in that information?—I believe I designated him as I mentioned to you to-night; that there were four persons sitting in the box, three of whom I knew by name; the fourth I did not know.

You have mentioned that you did not know his name till you saw him in the court that day?—I have.

You heard that Forbes was committed on a capital felony?—Yes.

Was it on your information he was committed?—I cannot say.

How did you describe him in the information you gave?—As a person of the name of Forbes do you mean; I cannot now recollect.

You do not recollect whether, in the information, you described him as of the name of Forbes, or not?—I cannot recollect; but the information I gave was certainly that there was a fourth person in the box, whom I did not know at the time; and if the information designates Forbes's name as having been mentioned by me, it must have been done in that kind of way as a person in the first instance unknown, and perhaps having afterwards heard his name was Forbes.

Can you undertake to say you did not, in that information, name Forbes?—I cannot now recollect it.

Is it possible you could have used his name of Forbes at the time you gave the information, when you did not know his name till the day you gave your evidence before the grand jury?—I might have heard his name was Forbes, but I never gave information against Mr. Forbes, any person of the name of Forbes positively, that I know; for I never, as I say again, saw the man, until I saw him in the court the day I went to be examined before the grand jury.

Do you know a man of the name of Brocas?—I do.

He gave very important evidence on the ex officio informations for the traversers; did he not?—He was examined.

He was summoned by the traversers?—I believe he was.

Have you ever had any conversation with him?—Frequent conversations.

Did you ever converse upon the evidence you had both given in court?—I dare say I did converse with him.

Do you recollect what the nature of your conversation was?—I do not; I spoke to him generally upon the subject; I do not recollect any thing particular.

Did you never say to Brocas, "Brocas, I am surprized you can run so high on this particular subject; it would be better for you, if you took another turn"?—I do not.

Mr.
George Farley.

Third Day.
(May 6.)

not recollect that I ever said words to that amount; I might have said to Mr. Brocas, and I am free to admit it, as I heard him speak a great deal upon the subject, as I thought Mr. Brocas was making himself very busy upon the subject; I might have said that.

Did you never say, "Brocas, it would be better for you, if you did not run so high against the attorney general?"—I might have said that.

How do you mean, it would be better for him?—I thought Mr. Brocas, or any other person, should not volunteer in that kind of way, where there was an indictment pending, and persons were charged with certain things; I thought it an extraordinary thing, that Mr. Brocas would run forward; moreover, I heard Mr. Brocas say a great many things himself, that he afterwards unsaid.

Did you never say, "Mr. Brocas, it would be a better thing for you, if you followed my example, I have three guineas a-day?"—Never, never.

Do you know a man of the name of Robinson?—I do perfectly well.

You have said, you were examined before the grand jury, the bill was ignored as to Forbes?—Yes.

You were examined also before the petit jury, who tried Mr. Forbes?—I was.

Did you give the same evidence to the petit jury as you did before the grand jury?—I dare say, pretty much the same.

In substance and effect the same?—Yes.

Was Forbes convicted by the petit jury?—He was not.

Was it a respectable petit jury?—Indeed, I believe it was.

Was he acquitted by the petit jury?—No; I believe there was no acquittal, the jury could not agree, I believe.

You were more at your ease before the petit jury, than you were before the grand jury?—I was.

You met with no interruption whatever before the petit jury?—Certainly not.

Will you state, whether you did ever receive three guineas a-day from any person?—Never; nor a halfpenny, nor a promise of it.

Who was Mr. Brocas, of whom mention has been made?—He is an artist.

In evidence, or what line?—He is a painter.

A painter in Dublin?—Yes.

Have you ever had any conversation with him upon the subject of your evidence?—I have had conversations with him upon the subject of my evidence.

Upon the subject of the pay, you never had any?—No, Mr. Brocas is a particular friend of mine; and how it would appear in this House, that Mr. Brocas should say, I have three guineas a-day, or any thing of the kind, is astonishing; I wish Mr. Brocas was here, I think he would not say so.

Did you begin the conversation with him, or he with you?—I cannot say; we conversed together in the Dublin library, to which we belonged, where persons talk without reservation; there might have been many persons present besides Mr. Brocas and me.

Was he against your evidence, or was he agreeing with you, or indifferent, or how came he to have any share in the transaction?—He never spoke a word against my evidence.

Did he seem to favour your making this statement, or was he against it; was he with you or against you, or on no side at all?—He never spoke against my evidence, or my giving it.

Was he for or against you, on the question?—Mr. Brocas seemed, to me, to be a volunteer upon the subject; he volunteered his evidence; I heard Mr. Brocas say, immediately after the riot in the theatre, that he would go forward and prove that the bottle was not thrown by the person who was accused of throwing it.

Was Mr. Brocas examined at the trial?—He was.

On behalf of the traversers?—He was.

Was it with reference to his examination, that you spoke to him in the way you have stated just now?—It was prior to his examination.

What induced you to hold that language?—From his volunteering where there was positive proof, as I heard, of the bottle being thrown, and his volunteering to negative that.

Why do you suppose he volunteered to negative that?—There were so many other persons that said they saw the bottle thrown.

Were you in the theatre?—I was not.

Did you learn, whether Mr. Brocas was there?—I heard him say he was there.

—Why

Mr.
George Farley.
Third Day.
(May 6.)

'Why do you suppose that he was more a volunteer than another, in saying he would negative the bottle being thrown?—I heard several persons say, that the bottle was thrown; and I heard Mr. Brocas say, that it was not thrown, and that made me think he was a volunteer.

Why was he more a volunteer than others?—I cannot say; but it struck me so at the time.

If Mr. Brocas thought a person charged with guilt, was an innocent man, what struck you as extraordinary in his volunteering to prove his innocence?—It made a great impression upon my mind at the time, by hearing persons say, that it was thrown, and particularly the man that it was thrown by, his assertion against those persons.

Was your reason, for this observation, in consequence of your supposing that Mr. Brocas was not telling that which was true?—I thought Mr. Brocas might have been deceived.

You say, that you heard Mr. Brocas say and unsay things; what did he say and unsay?—Two persons in the library told me, they accused Mr. Brocas in his presence of having brought one of those gentlemen down to the police office, where the persons accused of throwing the bottle, were to point them out to him as the person who had thrown the bottle; and there was a difference between them upon the subject, in the library; and that is the reason I have for thinking that Mr. Brocas was incorrect in saying that; I was not there; in fact, he was accused in my presence by a gentleman, of having brought him to the police office for the purpose of pointing out the identical man that threw the bottle.

Then what you mean to say, as to Mr. Brocas saying and unsaying, is, that Mr. Brocas unsaid what another man had said?—Yes, just so; they accused him in my presence.

Were you ever before a grand jury, previous to the grand jury on which inquiry is now made?—I believe one; I dare say one.

Will you recollect whether you were, or not?—I was before one grand jury before.

When you were before that grand jury, was there any difference in your mind, between your reception at that grand jury, and this?—Yes, there was.

Do you consider, that when you were before this grand jury, there was a difference, with respect to the ease of your giving your evidence, from what there was before the other grand jury?—I conceive so.

A material difference?—There was a difference.

That you were not at liberty to do that before this grand jury, which you were before another?—I gave the evidence, which I came to give, certainly, before the grand jury.

Do you mean to say, that you were as much at ease, to give the testimony you thought it right to give before the grand jury, as to which inquiry is now made, as before the former grand jury?—I do not conceive so.

You said, that Mr. Brocas was a friend of your's?—He is a friend of mine.

You said, that he had said, and unsaid, several things?—Yes, for the reasons I have mentioned.

Has he ever unsaid any thing that he has said in your hearing?—I never heard him say, that the man threw the bottle.

You said, that he had said, and unsaid, several things?—As accused by this gentleman, he accused him of having brought him to the police office, to point out the man that threw the bottle.

When that person stated, that which appeared to be a contradiction to him, did he unsay it, or contradict himself?—He said, he never did any such thing; he admitted, that he brought him to the police office, but not for the purpose of pointing out the man that threw the bottle.

Then he denied that?—Yes.

He did not then contradict himself?—He said, he had never done so.

Did he retract any one thing that he himself had said?—I do not think that he did.

He told you, he had something to prove, about the throwing of the bottle?—I have heard him say so.

What did he say he had to prove?—That the man who was accused, did not throw the bottle.

Who was the man, that was accused of throwing the bottle?—I suppose Handsch.

*Mr.
George Farley.*

*Third Day.
(May 8.)*

He said he would prove, that Handwich was not the man who threw the bottle?—Yes.

You told him that he had better not prove that?—No, I did not say that.

What did you say?—I told him he had better not make himself too busy; I had no objection to his going forward.

He stated, that he had seen this with his own eyes?—Seen what?

That he had seen who threw the bottle?—He denied its being thrown altogether.

What was it that he said he would prove?—That the bottle was not thrown by that man.

Did he say that it was thrown by any other person, or not thrown at all?—He did not say it was thrown by another, but that it was not thrown by the person that was accused.

Did he say that he saw how it came on the stage?—No.

What was the subject of the conversation on which you thought fit to correct him, as to the evidence he was to give?—I cannot recollect; he and I have frequently talked upon the subject.

What was he saying when you told him not to be too busy in coming forward?—I had heard him a hundred times say, that he would prove the bottle was not thrown by that person.

Do you mean to say, that he said it was not thrown at all, or not by that person?—I cannot say; he applied himself to the person who was in custody for throwing the bottle.

He said he could prove that person had not thrown the bottle?—Just so.

Was it upon that you desired him not to make himself too busy?—There were several persons said, that the bottle was thrown by this person; and he was the only person that I heard say, that it was not thrown by him.

It was upon that, you desired him not to be too busy in giving his evidence?—It might be about that; I conversed with Mr. Brocas very often upon the subject, and I cannot apply myself to any particular expression.

He was an intimate friend of your's?—Yes, and is to this hour.

You say, you were examined before a grand jury once before?—Yes.

Do you recollect on what occasion?—I believe that was upon the prosecution of a person for picking pockets; a gentleman's pocket was picked, and I happened to be present at the time; and I was obliged to identify the person that picked his pocket.

Is it not usual for the questions to be put through the foreman?—I do not know, indeed.

On the former occasion, were not the questions put through the foreman of the grand jury?—I think, principally.

Who was the man that accused Brocas of having been to the police-office, to identify the man that threw the bottle?—Doctor Macan.

When was the first time you gave evidence as to the treatment you had received before the grand jury?—I cannot say at what particular time, or how long after I was examined.

By whom were you examined upon the subject?—Before the grand jury.

After you were examined before the grand jury?—I dare say, I spoke to the attorney general upon the subject.

When?—I cannot say the particular time.

Was it a week after?—I cannot say the particular time.

You cannot say whether it was a week, or a fortnight, or ten days after?—I cannot say; it is quite a surprise upon me, and I do not recollect it at this moment; I did not think it necessary to retain it in my mind.

Were the bills of indictment ignored before you spoke to the attorney general upon the subject?—They were.

You have stated, that you felt under some restraint in the last jury, but not in the former, on which you gave your evidence; what might have induced you to feel under that different impression?—I beg pardon; I did not state that.

What might have induced you to feel under those different impressions?—I did not say that I was restrained at all under the last jury.

You were before two juries; before the one you did not feel restraint, and on the other you did; what caused you to feel that different impression?—I felt more restraint before the first jury than the second one.

Why?—Because I was interrupted when I was giving my evidence, there was a kind

a kind of interruption, and one of the gentlemen when I was interrupted requested I should be heard.

That was on the last?—That was on the first, the grand jury, and not the petit jury.

That was not on the last occasion?—No.

Did you withdraw from that room of your own accord, or not?—Of my own accord.

The question refers to the grand jury room, in which you were examined upon the subject of the riot?—Yes.

Were you shewn the door by any body?—I was.

By whom, by yourself?—It is usual I believe, for the junior of the jury to attend the door to see the witnesses in and out.

Is that what you were going to state?—Yes.

Are you representing to the Committee, that this was an act of civility, or that you were turned out?—I certainly was not turned out, by any means.

Do you know the difference between an act of civility, and the contrary?—I certainly do.

Was it an act of civility, or the contrary?—Civility, certainly; a gentleman shewed me the door, as was usual.

How long were you under examination before the grand jury?—I cannot say the precise time.

About how long?—Perhaps, about fifteen minutes, or perhaps more, I cannot say indeed.

Mr. James Troy, was again called in; and Examined.

WHEN did you first give information with regard to the conversation Forbes is supposed to have held?—It was a week when I was summoned before the chief police office.

Who presided there?—Alderman Darley, I think.

How did you designate Forbes in your information?—I think I designated him by his name.

How did you learn his name?—Seeing him after the transaction occurred in the tavern, and I was told his name was Forbes.

Between the time of your seeing him in the tavern and the time of your giving the information?—Between the time of being in the tavern, and the information, the second information, when my deposition was taken down the second time, as well as I can recollect.

You gave two informations?—I had to appear before a magistrate, to be bound over to appear before the sessions grand jury.

Did you give two informations?—They were one and the same; I believe at two different periods.

Were you sworn to the information the first time that you gave it?—I was sworn when interrogated before the privy council.

That was before you went to the police office, was it?—No; I was taken from the police office into the privy council.

Were you sworn at the police office?—No.

Was it the same day?—I was not sworn the first day, when I went to the police office; but I was taken from the police office into the privy council, and there sworn.

The first day you were at the police office, did you mention Forbes by name?—I cannot now charge my memory.

Who took your depositions the first time you were sworn?—They were taken in the privy council.

By whom?—It was before the attorney and solicitor general.

Who were the privy council composed of, who were present?—I think the attorney and solicitor general, and the clerk of the crown; one of the clerks of the crown.

Why do you call them the privy council?—The attorney and solicitor general are of the privy council.

Are you to be understood, that between your being at the police office and the period of your being before what you call the privy council, you learned Forbes's name?—No, certainly not between.

*Mr.
George Farley.
Third Day.
(May 6.)*

*Mr.
James Troy.*

Mr.
James Troy.
Third Day.
(May 6.)

Was it in the interval, between the period that you were at the police office and the time you were examined by the attorney general, that you learned Forbes's name?—No.

You have said, you did not mention his name?—I was but a very short time before the magistrates when I was called into the privy council.

Do you know whether it was on your information that the warrant issued against Forbes for a capital crime?—I do not know whether it was or not.

Who swore you to your depositions?—My first depositions?

You say there was but one?—They were the same; Major Sirr swore me in the privy council room.

Did you read them over?—I did.

Did Major Sirr read them over, in your presence?—No.

In whose hand-writing were they?—They were taken down by Mr. Carmichael, I think, one of the clerks of the crown.

Who is Carmichael?—He is connected with Mr. Kemmis's office.

A clerk of the crown solicitor?—Yes.

[The Chairman was directed to report Progress, and ask leave to sit again.]

4.

House of Commons.

MINUTES OF EVIDENCE,

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of Dublin.

Mercurij, 7^o die Maii, 1823.

SIR ROBERT HERON, Baronet, in the Chair.

HENRY COOPER, Esquire, called in;
And further Examined.

DID Mr. Sheriff Thorp interfere in preventing Mr. Poole being put upon the panel?—On communication with Mr. Thorp, we agreed, that he should not be on the panel; I had no objection to Mr. Poole's being on the panel, but in consequence of his calling on me; I rather think, had he not called on me, he should have remained on the panel.

Was not it Mr. Sheriff Thorp that interposed, to prevent Mr. Poole being on the panel?—When in communication with Sheriff Thorp, and the sub-sheriff, I mentioned, that he had called on me, I thought it incorrect, and then I objected to him; Mr. Thorp made some observations, I really cannot at this moment say what they were, for I took no particular remarks or notice of them.

Is the Committee to understand from you, that the objection first came from you, and not from Mr. Sheriff Thorp?—I cannot be positive, as to the objection on that case, when the panel was read over.

Was not an objection made at the time, by Mr. Sheriff Thorp, to the political opinions of Mr. Poole?—There were but three persons present, which were the sub-sheriff, Sheriff Thorp, and me; on political principles, Sheriff Thorp and I were not in the habit of communicating much at that period.

Did not Sheriff Thorp object to Mr. Poole, on the ground of his political opinions?—I am delicate in giving an opinion, which I cannot be positive in; I cannot be positive, as to his remarks upon him.

The question is, as to the fact?—I cannot be certain.

Do not you believe, that Mr. Sheriff Thorp objected to Mr. Poole, on the score of his political opinions?—As to his opinion, it is difficult I think to form a belief; I should probably think he might, or might not; I know they differ in principle; but I rather think he did not communicate that to me, at the same time I cannot say positively.

The question is not put to you, as to what passed in the mind, either of you or of Mr. Sheriff Thorp; but you are asked, whether Mr. Thorp did not object, by words, so that you heard it, to the political opinions of Mr. Poole?—I rather think not, in consequence of Sheriff Thorp and I, not agreeing upon political principles.

*Henry Cooper,
Esq.*

*Fourth Day,
(May 7)*

Henry Casper,
Esq.

Fourth Day.
(May 7.)

Will you positively say, that Mr. Sheriff Thorp did not make that objection?—As I mentioned before, I cannot be positive as to that.

Upon your examination the other night being closed, did you not see Mr. O'Reilly, the witness?—I have seen Mr. O'Reilly frequently; very frequently.

After your examination was closed the other evening, did you not see him?—I did, certainly.

Upon that occasion, had you no conversation with Mr. O'Reilly upon this subject of Mr. Sheriff Thorp keeping Mr. Poole off the panel?—I had.

Did not Mr. O'Reilly, upon that occasion, inform you, that you certainly must have forgotten, when you were giving that part of your evidence the other evening, for that to be sure Mr. Sheriff Thorp did interpose to keep off Poole, on the ground of his opinions?—I rather think that Mr. O'Reilly had not heard my evidence; I met him in the passage, as he was coming into the House, therefore he could not have known what my evidence was, I conceive; for he told me he had only that moment come; he told me, that he was in my yard when Mr. Poole came in, that a conversation had occurred, and he repeated circumstances; he last night repeated a further circumstance; I told him last night, when he repeated that circumstance, you must be certainly wrong.

Is the Committee to understand, that this circumstance, repeated by Mr. O'Reilly, was, that Sheriff Thorp had interposed to keep off Mr. Poole from the panel; was that what Mr. O'Reilly said to you when you said he must be wrong?—No, that is not it.

What was it?—It was that I had made use of the word, that Mr. Sheriff Thorp kept Mr. Poole off, in consequence of his being a conciliation man; I said he was certainly wrong.

Upon that occasion, did not Mr. O'Reilly say to you, that you must certainly be wrong in the statement you made in this House, or must have forgotten it?—I do not think he mentioned that I was certainly wrong.

Or any thing to that effect?—He said he conceived it so; that those were the words.

Did he not state to you, that you must have forgotten, when you were under examination in this House, and gave this answer about Mr. Sheriff Thorp and Mr. Poole?—No.

You are sure of that?—Positive.

Did you desire Mr. O'Reilly not to make any mention of it, or to say nothing about it, or words to that effect?—No.

You are sure of that?—Positive; I would not venture to make use of any such expression, nor wish him to do so.

You said nothing of the kind?—Positively not.

Do you now mean positively to say, that Mr. Sheriff Thorp did not make objection to the political opinions of Mr. Poole?—I do not mean positively to say it, but I rather think he did not, in consequence, as I said before, that from the circumstances that occurred, he and I were not of the same feelings in politics.

Did you go to look after Mr. O'Reilly, after you had been examined in this House?—No.

You did not go to seek after him?—No; I met him in the hall, no farther to seek after him.

In what part of the hall do you mean, in the lobby?—Yes, the lobby.

You accidentally met him, and did not go in search of Mr. O'Reilly?—I did not.

Mr. Whistler is the under-sheriff?—He is.

Was the agreement, for his being sub-sheriff, made by you with him, Mr. Whistler?—After the appointment, we had an arrangement; there was an agreed arrangement.

An agreement of the terms upon which he was to serve as under-sheriff?—Yes.

What is the stipulation; what is the allowance made to you by him?—No particular amount.

What does the amount depend upon then?—Upon the receipts of the office.

A certain allowance is made by Mr. Whistler to you, depending upon the amount of the receipts of the under-sheriff?—No certain allowance.

Varying with the amount of the receipts?—Yes; a dividend is made of the receipts between the sheriffs; no stipulated amount.

A dividend of the receipts is made between Mr. Sheriff Thorp and you; is that it?—Yes.

How

Henry Cooper,
Esq.

Fourth Day.
(May 7.)

How often has there been any settlement between you and the sub-sheriff, Mr. Whistler, since he came into office, weekly or monthly?—Quarterly.

And he has paid over, for your use, and that of Mr. Sheriff Thorp, a particular sum, the particular sum not being asked of you?—If it is wished I can state the sum.

A certain sum has been paid over to you, for your own use and that of Mr. Sheriff Thorp?—Being the receipts of the office.

By the sub-sheriff, Mr. Whistler?—Yes.

And that was as a consideration for appointing him?—No, not as a consideration of appointing him, it was merely the fees of office; there are certain fees in the sheriff's office.

How is he paid?—He takes a proportion of those fees.

And the rest he pays over to you and Mr. Sheriff Thorp?—Yes.

Was that the bargain when he became under-sheriff?—It was.

Is it to be understood that you and Mr. Sheriff Thorp are of different political opinions?—Yes.

Did you and Mr. Sheriff Thorp concur, at last, in forming the panel from which this grand jury was struck?—We did.

You stated, last night, that you thought it essential for the public service, that Mr. Mansfield should be set at liberty as soon as possible?—It is very material, if Mr. Whistler is wanted to come here.

On a former evening you said, that the panel, when struck, was a very respectable one; are you to be understood from the word respectable, that you only meant to apply it to their pecuniary circumstances, or that the men were morally respectable, and men likely conscientiously to discharge their duties?—I considered morally respectable; some of them members of the corporation, and being returned by the guilds to which they belonged.

You have mentioned, that the panel, when it was presented to you first, was in the hand writing of Mr. Sheriff Thorp?—I think it was.

Was Mr. Poole's name upon the panel when it was first showed to you?—It was.

You have stated that you cannot take upon yourself positively to say, at whose suggestion it was that his name was put off the panel?—It was mutually.

You cannot say whether you suggested it first to Mr. Sheriff Thorp, or whether he suggested it to you?—No, we agreed upon it.

It must have been suggested first by one or other of you, but you cannot positively say which?—I cannot.

You mentioned on a former evening, that the reason of Mr. Poole's being struck off, was, his having made the application?—To me; if he had not made the application, I think I would have insisted on his being on.

What do you mean by your insisting on his being on?—In consequence of his standing in a similar situation with those who were on, being one of the members of the commons of the city of Dublin.

Do you mean, you would have insisted on his being on, against Mr. Thorp's attempt to put him off?—I think I would, for I have known Mr. Poole a long time.

Will you have the goodness to mention what was the nature of Mr. Poole's application to you; was it in the way of complaint or of application?—I think, as well as I can recollect, that he came to me, to require me to speak to Mr. Sheriff Thorp, to have him put on the panel.

Did he make any complaint with respect to any breach of promise in Mr. Sheriff Thorp?—I do not think he did.

Can you be positive as to that?—I really do not think he did; I know our conversation was very short, and I do not think he did.

How long was that before the panel was actually returned?—I think it was previous to receiving the letter from Mr. Kemmis, which I mentioned the other night; it was previous to my receiving the letter from Mr. Kemmis, for I referred him to Mr. Thorp.

Will you take upon yourself positively to say, whether Mr. Poole did not come to you, to complain that he had been left off the panel, after having been originally promised to be on?—Certainly not; for I referred him to Mr. Thorp, that he might speak to him; I do not think he made a complaint.

Are you positive whether, when Mr. Poole first came to you upon the subject of being on the jury, he did not make a complaint of Mr. Sheriff Thorp having broken his word in having put him off?—Upon my word I think I can go the length

*Henry Cooper,
Esq.*

*Fourth Day.
(May 7.)*

length of saying, that he did not complain; the first complaint I heard was in the court, that Sheriff Thorp (when the panel was struck) and Poole had some words in consequence of his not being on.

Have you heard, and do you believe, or do you not believe, that Mr. Poole had long before that, applied to Mr. Sheriff Thorp, for the purpose of being on the panel?—I do, from conversations I have heard since, but not at that time.

And that he had promised him?—Yes, I do believe it.

Was that before Mr. Poole came to make his application to you?—Not before that, I did not hear.

Do not you believe the fact to be, that before he came to make the application to you, he had been promised by Mr. Sheriff Thorp, that he should be upon the panel?—I declare I cannot form a belief of it.

From what you now know, and have heard, do you not believe that an early promise had been made by Mr. Sheriff Thorp to Mr. Poole, that he should be upon the panel, long before the conversation with you?—I do believe, from the conversation I have heard since, that he had been.

You now believe, that there had been a promise made by Sheriff Thorp to Mr. Poole, before he made the application to you?—Yes.

The return of the panel was in the hands of Mr. Sheriff Thorp?—It was.

Why did Mr. Poole come to you, he having already had a promise from Mr. Sheriff Thorp, to be upon the panel; why did he apply to you to put him upon the panel?—I cannot say.

Do you not believe that it was because he had heard, that Mr. Sheriff Thorp had changed his mind as to putting him upon the panel?—I think it is natural.

Do you not believe it is so?—I think it may be so.

You believe that he came to you, because Mr. Sheriff Thorp had changed his mind on that particular?—He might form an opinion upon it; but I do not think he communicated it to me.

Then there had been some intention, on the part of Mr. Sheriff Thorp, to put him off the panel, before he came to you?—That might be his opinion; I cannot speak to that.

You have said, that he had got a promise from Sheriff Thorp, to put him on the panel?—I cannot speak positively to that.

You believe that he had got a promise from Sheriff Thorp, to put him upon the panel?—Yes.

And that he came to you in consequence of having heard that Mr. Sheriff Thorp had changed his intention?—I presume so.

You have now said, you believed Sheriff Thorp had changed his intention of putting Mr. Poole's name upon the panel, before he applied to you?—No, I have not said that.

You believe that Mr. Sheriff Thorp had changed his intention of putting him upon the panel, before Mr. Poole applied to you upon the subject?—Not any more than from what I have heard since.

From what you have since heard, do you believe that Sheriff Thorp had changed his intention of keeping Mr. Poole's name upon the panel, before Mr. Poole made the application to you?—I do.

If Sheriff Thorp had changed his intention, as to keeping Mr. Poole's name upon the panel, before Mr. Poole applied to you, how could Mr. Poole's applying to you be the cause of Mr. Sheriff Thorp's putting his name off the panel?—This was the preparatory list, prepared for the record panel, and on reading that over, when we came to Poole's name, a conversation took place, as I have mentioned before, and I stated that he had called upon me, and under those circumstances I thought his name ought to be omitted.

Do you know what had been passing in Poole's mind?—No, that is impossible.

Is it true, in point of fact, that Poole's name was upon the panel upon which you sat in judgment to settle fit persons to appear?—It was upon this list, preparatory for the record panel.

Do you know how many "conciliation men," as they are called, were upon that panel?—I declare that is a question which it is hard for me to speak to; but I know there were some very moderate minded men upon it.

Do you think there were five?—I do.

Were those five within the first seven-and-twenty of that panel, or any of them?—If I had the panel I could state; but there were certainly more than that, to my knowledge, upon the panel.

Who

Henry Cooper,
Esq.

Fourth Day.
(May 7.)

Who is it usually strikes the panel of the grand jury; is it the high sheriff, or the sub-sheriff, or the assistant in the office?—I rather think the high sheriff strikes the grand juries, in general cases, with the assistance of their sub-sheriff.

Is it the ordinary course, that the high sheriff takes the return of the panel into his own hands, and does not leave any part of the returning it to the sub-sheriff?—I should suppose they communicate upon it, as I did myself; that is the course I would pursue.

You should think it out of course, that the sheriff should take it into his own hands entirely, without communicating with the sub-sheriff?—I should not do so.

You know Mr. Whistler, the sub-sheriff?—Intimately, of course.

Did you ever hear Mr. Whistler make any boast, as to his having been the person who returned that panel, in reference to the late trials?—Never.

Were you present at the dinner that was given by Mr. Sheriff Thorpe soon after his coming into office?—I was.

Do you recollect any expression being used by Sheriff Thorpe upon that occasion, as to his acting according to the wishes of those who had made him sheriff?—The words that pass at a public dinner, it is difficult to state; I being at another table, and at the head of that table, I could not state the particular words.

The question is not as to the particular words; but did you hear a speech made by Mr. Sheriff Thorpe at that dinner, declaring his determination to abide, during his shrievalty, by the wishes of those who made him sheriff?—I declare, I cannot take upon myself to say what passed; reading in the newspaper, the day following, was the principal information I had of the toasts he had given, save, I believe, one or two.

Do you recollect Mr. Sheriff Thorpe's health being drank at dinner?—I do.

Do you recollect what speech Mr. Sheriff Thorpe made on his health being drank?—I cannot repeat the words, it is in general substance returning thanks to those who returned him, and that he hoped he would meet their approbation during the year of his office, or words to that effect; but really I cannot state the particulars.

Do you recollect Mr. Sheriff Thorpe making use at that time in his speech of these words, "that during his shrievalty, he would take care to conduct himself, as sheriff, in such a way as to answer the wishes of those who made him sheriff;" or words to that effect?—I think the substance would go to that, but I cannot say as to the words.

Is Mr. O'Reilly, the person of whom we have been speaking, a friend of yours?—Indeed, I have been in a state of friendship with him for years.

You no doubt look forward, to being in time, lord mayor of Dublin?—I declare, at this moment, I have no presumption towards it.

You entertain a hope it may be so?—I do not.

Do you happen to know Mr. Bradshaw, of Mountjoy-square?—At present living there; no, I do not; I do not know any gentleman of that name, that I recollect at present.

George Harris, called in; and Examined.

George Harris.

To what regiment do you belong?—The 7th hussars.

Have you been lately stationed at Dublin?—Yes, for the last eighteen months.

You are now a sergeant in that regiment?—Yes; troop-sergeant major, at present.

In what situation did you first enter that regiment?—As a private soldier.

Were you advanced from that to be a corporal?—Yes.

From that to be a sergeant?—Yes.

And afterwards troop-sergeant-major, as at present?—Yes.

Were you, or not, before the grand jury, after the alleged riot in the theatre?—I was.

Were you examined by the grand jury upon that occasion?—I was.

Who examined you?—As nearly as I can recollect, four or five of the jury.

Separately, or at one and the same time?—Indeed I cannot charge my memory whether it was separately, or whether they spoke together.

In what manner was the examination conducted by the grand jury?—Not very courteously; indeed, it was not.

Explain to the Committee what you mean by the words 'not very courteously'?—They were very careful to remind me that I was speaking upon my oath; and after 308.

*George Harris.*Fourth Day.
(May 7.)

I had answered a question, it was repeated to me, and that in a significant and fretful manner; and when I was asked, how I could possibly know a person I had seen in one gallery from the other; one of the jurors replied to me, I do not think you could know the person you swear threw the missile.

Were you at that time speaking to the grand jury of the person of some particular person?—I was speaking of the person I had sworn to as having thrown the missile.

Which missile, the bottle?—The rattle.

Had you, at the time, positively stated your knowledge of the person?—I had stated it with the greatest confidence; I spoke to the individual who threw it; one of the jurors answered, I do not believe that you knew the person who threw the missile.

Did you make any observation at that time; had you occasion to make any observation to the foreman of the jury upon that occasion?—This gentleman had left his seat, and I noticed him the more particularly; from that he was at the other end of the table, and had come up near the foreman, as it appeared to me, expressly for the purpose of contradicting what I was stating.

When you retired from the room, did you make any comment to the persons in the neighbourhood, to bystanders, on the manner in which you had been treated?—I did; there were several gentlemen standing at the grand jury room door, and were inquiring of most of the witnesses, as they came out, how they had been received by the jury; I there publicly said, I had been used very badly, and I also heard several of the other witnesses say they had been used to a similar kind of manner.

Do you recollect who the other witnesses were, who made the comment?—I do not recollect their names; and should not know their names, or their persons, if I saw them.

Was it the mode of examination you objected to?—Yes; I thought the manner rude in which I was interrogated.

Did they seem to discredit your testimony?—Perfectly so.

Were not you on duty with the lord lieutenant at Woodstock?—I had been previously commanding a detachment that escorted the lord lieutenant from Dublin to his country house, for six or seven months before this.

On the return of the lord lieutenant to Dublin, did your duty cease?—It did, in that way.

After the cessation of your duty, were you ever either at the Castle, or at the Phoenix Park, during the residence of the lord lieutenant, in either of those places?—I was several times; two or three times.

On duty, or otherwise?—Not on duty; I called to see persons that I had become acquainted with, in having been so long in the service of the lord lieutenant.

Have you, on any occasion, either dined or supped either at the Castle or the Phoenix Park?—I have, in the Park; I have supped there.

Once, or more than once?—Once or twice.

You were at the theatre on the night of the 14th of December?—I was.

Did you go of your own accord, or at the suggestion of any other person?—I went entirely of my own accord.

Did you go with a ticket, or did you pay as you entered at the door?—I paid as I entered at the door.

Subsequently to the taking place of the riot in the theatre, had you had any conversation upon that subject with any person belonging to the household of the lord lieutenant?—Not particularly; I have been there since the riot, and of course might have heard the circumstance mentioned, but not in any particular manner.

Have you ever spoken to, or been spoken to, by Mr. Johnson?—Never.

Have you ever had any communication upon that subject, either directly or indirectly, with Mr. Johnson?—Neither directly nor indirectly.

Had you leave of absence the night you were at the theatre?—I had conditionally. The regiment had marched to Newbridge; I had been left behind ill with a fever, and I had been then well some days; the surgeon had given me leave to spend my evenings, as I had been out of Dublin so long, with my friends, but cautioned not to be out too late, in case of its laying me up again. I went to the theatre, and thought myself perhaps sufficiently well to stay out, and disobey his instruction.

You exceeded your leave then?—Yes, so far as that, certainly.

Is not that a military offence?—Certainly it is.

What rank did you possess at that time?—Serjeant.

Since that period you have been made serjeant-major?—I have.

Was that promotion for the military offence you committed that evening?—I should imagine not; but rather for my prior good conduct.

George Harris.

When you speak of the supping at the Phoenix Park, were there any other soldiers of the regiment there?—No, I fancy not; I had become acquainted with the Lord Lieutenant's steward, and I have sometimes called upon him to spend my evening with him.

Fourth Day.

(May 7th)

You were with the steward of the household?—I was.

You had been at the Park before, on duty?—I had been frequently, perhaps every week, backwards and forwards with the Lord Lieutenant, from his house in town to the country; I had been in attendance on the Lord Lieutenant for six months before that.

Philip Burke Ryan, called in; and Examined.

What is your name?—Philip Burke Ryan.

What is your situation?—An officer of Excise.

Philip Burke Ryan.

At Dublin?—Yes; it is in the county Galway I have been stationed since I got my appointment.

Were you before the grand jury, on the subject of the riot at the theatre?—I was, on the 1st of January, in Green-street.

Were you examined upon that occasion?—I was.

Were you examined by any particular person, or by one at a time, or by more?—At first, I was examined as to a few questions, by the foreman; and then by one or two more, immediately after him; and in the course of a few minutes, I was asked one question by one, and before I had time to give an answer, two or three more started fresh questions to me; for the express purpose, as I conceived, of shaking my testimony, from the manner in which they proceeded towards me; that was, after one of them asked me my motives and my expectations, if I was counselled or advised, or what my expectations or motives were for coming forward to give my testimony there.

Did you make any complaint to them of the manner in which you had been treated?—I did.

To whom?—To the foreman; I was called from where I sat, next to the foreman, and in the event of being annoyed so much by two of the grand jurors, I immediately returned back to him, and told him, it was impossible for me to give direct answers to the questions they put, or to be able to recollect the questions they put to me, from the manner in which they acted.

Do you remember observing to the grand jury, that you considered yourself equally upon your oath as they were?—I told them, when they were annoying me, that I was equally sworn as they were; that I took a solemn oath in the court to do my duty, and had no other motive for doing it, and requested to be heard distinctly by them.

Was that after the question had been put in the manner you have described, so that you had not an opportunity of giving your answers fully and distinctly?—Yes, it was.

Were you stating evidence as to the persons of any of the men that were charged by the indictment?—Yes, I was stating the particulars of the circumstance, and the description of person who threw the rattle, because I was asked by one of the grand jurors, were not there two Grahams there; did not one of them wear glasses, and which of them it was that threw the rattle; I said, that the one who threw the rattle did not wear spectacles, and that he was a low sized, sallow-looking young man.

Was any observation made upon that, on your describing the sort of person and his complexion?—One of the jury asked me, could I be mistaken in the person of the man, and I said it was impossible; he said, I think you have admitted you might have been mistaken, for I have such language on my notes; and I told the foreman of the grand jury I had used no such language; the notes were referred to, and there was no such language to be found; to the best of my recollection, that was the very question he put to me at the time I gave him an answer.

You stated that you had ever implied any such matter of doubt and referred to the notes, and there was no such doubt expressed by you?—Yes.

Were you civilly treated upon the occasion, or otherwise?—At the first commencement I was very civilly treated, but at the latter end I was not, for immediately

Philip Barker Ryan.
Fourth Day.
(May 7.)

directly after coming out of the door, I mentioned the conduct of the grand jurors to me, to a number of people standing outside the door, strangers.

You made complaint immediately of the manner in which you had been treated?—Yes.

Did you hear any other complaints by other persons?—Some of the persons who came out grumbled in a similar manner, but I do not recollect what were the words they said.

At the time you complained to the foreman, that you could not, in that manner of examination, fairly give your testimony, were you enabled fairly to state what you had to state?—No; for some of them looked upon me with contempt, and laughed; and from the manner in which the questions were put to me, I could very badly answer them, one at one end of the table, and another at another part of the table; I was talking to three jurymen at one and the same time.

It was you identified George Graham?—Yes.

You are positively certain as to his identity?—Oh, yes.

Are you now so?—I am now; if I saw the man I would know him again, equally the same as I did that night, or in the court of King's Bench.

Did you ever hear any body else pointed out in Newgate, as the man who threw the rattle?—No, I have no recollection of having heard of any person being pointed out.

Did you ever hear of a man of the name of Ormsby?—No, I have not.

You never heard, that a man of the name of Ormsby, was supposed to have thrown the rattle?—No; to my recollection, I never heard of any such name being mentioned.

You said, that somebody took notes for the grand jury?—One of the grand jury themselves; a man of the name of Joseph Henry Moore, was the man who made use of the word, I have just stated, that I might have been mistaken, that that was the word I made use of.

You mentioned that some one took notes, that in fact, your testimony was referred to, and it was found correct on the notes?—At the time that the juror said, that I said I might have been mistaken as to the person who threw the rattle, as to Graham, I said I had not; he said he had such language on his notes; he was one of the grand jury taking notes.

He did refer to his notes?—He did; he referred to his notes.

And he found that he was wrong, and you were right?—Yes.

He took notes for the grand jury?—He took notes for himself; I did not see any one in the grand jury room, but the grand jury themselves.

It ended in your telling the grand jury the whole of your evidence?—Yes, for the grand jury themselves were taking down the notes of their evidence.

You told the grand jury, or you came to tell them?—Yes, I did; I mentioned to the grand jury the circumstances I knew, respecting the outrage at the theatre.

You were examined before the petit jury?—I was, in the court of King's Bench.

You gave the same testimony before the petit jury, as you had given before the grand jury?—To all intents and purposes I did.

And you swore to the same man?—I did to George Graham, as the person who threw the rattle.

That man was not convicted?—At the time I appeared before the grand jury, the bills of indictment were found against him and against another; and at the time I appeared in the court of King's Bench, he was not convicted; and I gave, to all intents and purposes, the same testimony before both juries.

Was not there a bill of indictment found against him and another man for the riot?—Yes.

But he was not found guilty before the petit jury?—No, he was not.

The grand jury found a bill for the riot against that man whom you identified, and the petit jury did not find the man guilty on the same testimony?—Yes.

Did you see Graham on the night of the playhouse riot?—I did.

Where did you sit?—In the middle gallery.

In what part of the middle gallery?—On the fourth or fifth seat of the middle gallery, and he was on the front seat of the middle gallery.

You are prepared to say, that George Graham was on the front seat of the upper gallery on the night of the riot?—I have stated that before.

[The witness was directed to withdraw.]

[The

Philip Burke Ryan
Fourth Day.
(May 7.)

[The witness was again called in.]

Do you state that George Graham occupied the front seat of the upper gallery?—He was sitting on the front seat of the upper gallery, at the time I recognized him with the rattle in his hand.

Was he sitting in the front seat of the upper gallery when he threw a part of this rattle?—He was.

You never heard another witness state, that he was sitting in the fourth or fifth row of the upper gallery?—To the best of my recollection, I never heard any such language.

Did you state that you saw him throw the rattle?—I did; I saw him with it before he broke it, winding it in his hand, striking it against the gallery, and I saw him stand up and look into the middle of the gallery, and throw a large piece of the rattle which he had in his hand, which struck the cushion or edge of the seat adjoining the box in which his Excellency the lord lieutenant was sitting; and I called out to a person to have him taken into custody, which he did not do.

What sized instrument was this that he threw?—It was not to say a very large size, but it was weightier than timber of another description; I saw it in the court of King's Bench.

Was it as large as that little book there?—(six inches by three).—I consider that it was larger, for it was a solid piece; it appeared to me a good deal larger, for it went round here, and scooped for the handle of the rattle to fit to it.

Have you read in the almanack of this year, a description of that piece of timber?—I only give the description as well as my memory furnishes me at present.

What is it called in that almanack?—I cannot say what it is called in the almanack; I have not seen it, or I would give an answer to the question.

Was it such a weapon as a man would have attempted the lord lieutenant's life with?—From the size and weight of it, and from the place in which it was, and from the velocity of it, I have no hesitation in saying, that if it had hit him, it would have killed him; it could not weigh less than two pounds, the wood being of a weightier description than wood in general; it may have weighed that.

Did you weigh it?—No; but I saw it on the stage, and saw it produced in the court of King's Bench; for the man who took it up produced it as the piece of timber he found there.

The piece of timber?—It is a piece of timber in itself, though called a rattle.

Mr. Terence O'Reilly, again called in; and Examined.

Have you had any conversation with Mr. Sheriff Cooper, on the subject of the attendance of Mr. Poole on the grand jury?—I went into Sheriff Cooper's yard; I am in the habit of going there occasionally, and upon one occasion I saw Mr. Poole. Mr. Cooper mentioned to me that he was seeking to be on the grand jury; that he conceived it indiscreet for him to do so; I then suggested that he was as respectable a man as probably any one of the grand jury, and what injury could it do to have him on it, or words to that effect; the precise words I cannot distinctly recollect, for it did not make an impression upon me.

Terence O'Reilly.

What was the remark?—The remark was, that he was a respectable man, and it could do no injury to have him upon the jury; Mr. Cooper replied, that he could not interfere with Sheriff Thorpe; it was his quarter, and that he could not interfere with him; as well as I recollect that was the conversation. It is right for me to say, that I mentioned that conversation to Mr. Cooper last night, as it being my impression of what occurred then; he contradicted that part of it which related to Sheriff Thorpe's having refused to put Mr. Poole upon the jury; and he said it was he, Mr. Cooper, had objected to him, in consequence of the application to be put on; my recollection, however, previous to that denial, was as I have stated; it was a conversation, and I cannot be accurate; probably it did not make the impression upon me which it did on Mr. Cooper, who was more interested in the matter than I was.

Did Mr. Cooper make any further observations in the conversation you had with him last night?—I do not recollect that he did; but up to that conversation with Sheriff Cooper, my impression was, as I have stated it, originally, that Mr. Cooper stated, that it was not his quarter, and that he could not interfere with Mr. Sheriff Thorpe in the appointment, nor would Sheriff Thorpe allow it.

Did Mr. Sheriff Cooper make any observations to you last night, with regard to the evidence he was about to give to this House?—I told him the evidence I would give

Terence O'Reilly.

Fourth Day.
(May 7.)

give, was what I had at first mentioned; and the only thing that makes me alter my mind with respect to it, is the conversation of last night; and the impression that Sheriff Cooper, may probably have a better recollection of the facts, being more interested in the event than I was; it was a mere occasional conversation on the subject.

Did Mr. Sheriff Cooper address himself to you, did he begin the conversation?—No. I went to him, and told him my impression of the conversation, which had previously occurred; and he said it was true, with respect to every thing, save that of his referring it to Sheriff Thorpe; that it was his wish to keep him off the jury in consequence of his application.

Is your impression, independently of that conversation, such as you have stated?—Yes, independently of that conversation, it is quite clear as to what I at first stated.

Where did this conversation take place between you and Sheriff Cooper?—In the outer room, or in one of the offices.

Was not that conversation you allude to, long previous to the riot at the theatre?—No, it was subsequent to the riot at the theatre.

It was before the trials, was it?—It was a few days before the jury were returned; I think to the best of my recollection, on the Friday or Saturday previous; the latter end of the week, certainly.

What do you mean by saying, that it would be no injury to put Mr. Poole on the grand jury?—What I meant by that, was, Mr. Cooper had hesitated to put him on the grand jury; he said it was indecorous, improper or indelicate (which of the three words it was, I cannot recollect) in him to apply to be put upon it.

Did not you state, that you applied to Mr. Sheriff Cooper to put Poole on the jury, and that you stated it would be no injury to put him on?—No; Mr. Poole was in Mr. Cooper's yard, and I went in, as I have been in the habit frequently of doing, to Mr. Cooper, and he said, "Mr. Poole is here seeking to be on the grand jury," or "I suppose you know his business here;" which it was that he said, I cannot recollect at this moment.

Christopher Moran, called in; and Examined.

C. Moran.

WHAT is your name?—Christopher Moreland.

What is your situation in life?—I am a painter.

At Dublin?—Yes.

Were you before the grand jury in January last?—I was.

How long were you before them?—Not more than five or six minutes, I think, as near as I can state.

Were there any and what questions asked you?—They asked me if I saw the stick or the bottle thrown; and I said I did not.

Did you make any other observation?—I did.

What was it?—I was describing the riot to them, and they did not seem to think any thing about it, and they told me that would do.

Did they ask you any question about it?—They did; they asked me the persons that I saw rioting.

Any thing more?—They asked me a good many questions.

When they asked you, whether there were any persons whom you saw rioting, what did you tell them?—I told them I did.

What did they say upon that?—I do not know what they said.

Did they ask you any thing more, or send you away?—I was describing how one of the rioters was taken; and some of the grand jury told me, that would do, and showed me out.

Did they take an account of what you said, or did they send you out without it?—I believe they did; they took an account of what I said.

What account did you give them?—I described the persons I saw rioting, and what they said.

What did they say upon that?—I heard them calling out, "no papist lord lieutenant."

Were you going to give them a further description of what had taken place?—I was; and they seemed to laugh, and think little of it.

And they prevented you, and stopped you from going forward?—Some of them told me, that would do.

Was

639

C. Mowen.

Fourth Day.

(May 7.)

Was it in consequence of that, that you went no farther, that you told no more; did you tell the whole of your story, or did they, by stating, "that would do," prevent you from telling it; and then show you out?—I intended to have described how one of the rioters was taken.

Did they hear it, or did they prevent you from telling it?—They did not; I do not think they heard it.

Did they prevent you from telling it; did they say that would do, and sent you out?—They did; I understood so, by their telling me that would do, that would do; and one of the gentlemen showed me out.

Was it late in the day when you were examined; had many witnesses been examined before you?—I do not know.

Do not you know whether many witnesses had been in the jury room before you; was it the second day you were examined?—It was.

Do not you think it very probable that they had heard the story you were going to tell them, from many witnesses before?—I do not doubt that they had.

You do not know what had passed before the grand jury the day before?—No.

You were going on, and they interrupted you?—Indeed I think they did, by telling me that would do.

Had you told them all that you meant to say upon your oath, before they told you that would do?—I was going to describe how one of the rioters was taken, for it was I described him to a peace officer.

And they would not hear you?—One of them told me that would do; they seemed to laugh at me.

And they would take no more account of it; did they take any more account of what you would say?—I do not know what account was taken.

Did they interrupt you, and prevent your going further; did you tell your whole story?—I did not describe how this person was taken.

Did you tell your whole story; all that you wanted to tell them?—No, I did not; I wanted to tell them how this person was taken.

What prevented that; was it what they said to you prevented you?—It was.

Do you conceive it was very material how the man was taken; you told them his name?—Yes, I did.

And they found a bill against him; did not they?—I do not know.

What was his name?—Matthew Handwich.

Who was the other person whom you mentioned?—Henry Handwich, I think.

They found a bill against Henry Handwich, did not they?—I do not know.

You told the man's name?—I saw two persons rioting.

You told the grand jury the name of the man that you saw rioting?—Yes, I did.

It was against Matthew Handwich you were about to tell this story?—Yes.

You say you pointed out to the peace officer a man that he was to apprehend?—Yes, after he came out of the theatre.

You pointed him out to the peace officer?—Yes, I knew the peace officer, and bade him to search him; he had got a big stick under his coat.

Did you state to the grand jury what was your reason for so pointing him out to the peace officer?—Seeing him rioting in the house; I do not recollect whether I stated that to the grand jury.

Should you have stated it had they not laughed at you, and treated you in the manner you have described; you said you were about to state to them what you knew as to the manner in which the man was apprehended?—Yes.

Of course you have some reason to know that he deserved to be apprehended; were you about to state that to the grand jury, and were you prevented doing so; did you tell the grand jury why you pointed him out to the peace officer?—I charged him with the riot, and then they knew of course.

Did you tell the grand jury what you saw the man do, which induced you to point him out?—Yes, I did.

Did you tell the grand jury what induced you to point him out to the peace officer; what it was that you saw in his conduct that induced you to point him out?—I did; but I did not tell them it was I who pointed him out.

Why did you not tell them that?—I was about to describe that, when they told me that would do.

Why did you not describe it?—Some of them told me, that would do, that would do; they said it twice.

Are you to be understood that it was your intention to describe what occurred at the

C. Moreland.

Fourth Day.
(May 7.)

the theatre, and which was the cause of your pointing this man out to the peace officer, but that they would not allow you; that they prevented you, by laughing at you, or telling you it would do?—I intended to describe how the man was taken, but I told them what he did.

Should you, or not, have said more upon the subject to them, if they would have heard you?—I was about to describe how the person was taken.

You told them all you saw as to the riot?—Yes, I did.

Did you see any other person concerned in the riot, that you would have informed the grand jury of, if they had not interrupted you?—I saw a person in the theatre, but I did not see him riot.

Did you see any other person concerned in the riot, and would you have informed the grand jury if they had not laughed at you, and interrupted you, and said that was enough?—I would; I saw the person throw the rattle in the theatre, but I did not see him riot; I cannot say he was the person.

You were prevented giving evidence, as to a person you would have given evidence about, if they had not prevented you?—From the way in which I was used.

Who was that person?—A person of the name of Graham.

What was his christian name?—I do not know his christian name.

That was the man who had the rattle?—Yes.

Were not the bills found against that man for the riot?—I believe they were.

Did you mention to any person before you came here, what passed before the grand jury?—I did.

When?—Several times.

When was the first time?—I cannot say the first time.

Was it soon after you came out of the grand jury room?—I did mention it, I believe; I do not know whether it was that day, or the next day; I have frequently mentioned it when I have heard discourse.

You are sure you mentioned it either that day, or the next?—I am sure I did.

Did the grand jury begin asking you any questions, or did they merely desire you to tell your story?—They asked me questions.

What questions did they ask you?—They asked me if I saw the bottle thrown.

What did you say to that?—I told them I did not.

Did they ask you any other questions?—They asked me, did I see the sticks thrown.

What did you say?—I told them, I did not see them thrown.

Did any of the grand jury ask you any other question?—I believe they did.

What was it?—They asked me, if I knew any of the persons who were rioting.

What did you say to that?—I told them that I did.

Did they ask you to go on describing their persons?—I described their persons and their names.

What person did you describe?—Matthew Handwich and Henry Handwich, the two persons I could name.

What did they say to that?—I do not know.

What did they do upon that, did they ask you more questions, or tell you that would do, and send you out of the room?—They asked me what I saw them doing.

What did you say?—I told them, I heard a hiss and a groan.

What did they do upon that, did they desire you to withdraw?—They did, when I was about to describe the manner in which the man was taken.

You were examined before the petit jury, were not you, on the trial?—Yes, I was.

Where do you think you were asked the most questions, before the grand jury, or before the petit jury?—I think I was asked more questions in the court, by the counsel.

You have said, that when you were going to describe the manner in which Matthew Handwich was taken, you were ordered to withdraw?—They told me that would do, that that would do.

When you meant to describe the manner in which Matthew Handwich was taken, did you mean to state any thing with respect to what he said when he was taken; do you mean to say, that you merely meant to describe how he was taken, or do you connect with it any thing which Handwich said, or did, when he was taken?—I do not recollect any thing which he said or did; but I recollect what Henry Handwich said when he was taken.

6/11

Mr. Nicholas Murray Mansfield, Called in; and Examined.

WHAT is your name?—Nicholas Murray Mansfield.

Mr.
N. M. Mansfield.

What is your situation in Dublin?—I am the chief and only clerk in the Sheriff's office.

Fourth Day.
(May 7.)

Do you recollect the grand jury panel of January 1823?—I do.

Do you know how that panel was made out?—It was made out in the first instance by Sheriff Thorp's writing a list of names, and afterwards submitting it for the approbation of his brother Sheriff Cooper and his sub-sheriff Mr. Whistler.

Were the names that were on it those of men of respectability?—I conceive them to be perfectly so.

How long have you been in office?—I have been altogether not quite nine years; I am in my ninth year of office.

You are perfectly acquainted with the general description of persons who attend on grand juries?—I am very well acquainted with them.

From the character of those men who were upon that grand jury, do you, or do you not think they were well calculated for doing business between the crown and the person to be tried on the subject at issue?—I certainly do.

Did you ever hear either of the Sheriffs express an opinion that men of what are called warm politics should not be on the panel?—I did.

Which of them?—Both of them; both Sheriff Thorp and Mr. Cooper.

Do you consider that the great majority of that jury were men that could be called men of violent politics or not?—I do conceive the majority of that jury to have been moderate men.

You have said that Sheriff Thorp wished persons of violent feelings not to be on the jury?—Certainly.

Where was it you heard him say that?—To myself.

Is the panel you are speaking of the grand jury panel or the petit jury panel?—The grand jury panel of the 1st of January 1823; I understand I have been questioned as to the grand jury panel of the 1st of January 1823.

At what time was it that Mr. Sheriff Thorp told you he wished no violent party man to be on the panel?—Before he submitted the panel to his brother Sheriff Cooper or to Mr. Whistler.

That panel had been already made out at that time?—Yes.

Was it before the names were put down upon that panel that Mr. Sheriff Thorp said he wished to have no party men upon that panel.—No, it was after.

Who the men were that were selected upon that panel you did not know till it was produced to you by Mr. Sheriff Thorp?—I did not know who were ultimately adopted, till it was inspected by Mr. Sheriff Cooper and Mr. Whistler.

That was after it had been drawn out in the hand-writing of Mr. Sheriff Thorp?—Yes, he submitted it to me, and asked me whether I knew any of the men to be violent party men; I read over the names, and said I did not know any of them to be such.

Did you know what the opinions of any of the men were?—Positively no, except by reputation.

Were you acquainted intimately with any of the individuals who were upon that panel?—Certainly I was.

They consisted of a much smaller number than was usual on panels of the grand jury?—They did.

There was a very unusual circumstance attending it, the ex-sheriff was not the foreman of that jury?—He ought not of right agreeably to my conception to be so.

But according to usage he always had been the foreman of that jury?—He could not have been, the Sheriff that ought to have been the foreman was Sir Thomas Whelan, he was in England and unwell.

But one or other of the ex-sheriffs had always by custom been the foreman of the first grand jury after they went out of office?—Not always; they were always solicited to take the situation, but they sometimes declined doing so.

If one had been absent, the other would have been as matter of course solicited?—No; the first grand jury that occurs after the Sheriffs go out of office is the quarter sessions grand jury, the senior ex-sheriff is foreman of that jury, the junior ex-sheriff is the foreman of the first commission jury that occurs after his going out of office; the senior ex-sheriff had declined to serve as the foreman of the quarter sessions jury which of right he ought to have done, therefore, I suppose it was quite unnecessary to make any application to him to serve upon the jury.

Mr.
N. M. Mansfield.
Fourth Day.
(May 7.)

Can you name any instance in which an ex-high sheriff was absent, whose turn it was to be foreman, and in which the other ex-sheriff was not solicited?—I have no recollection of any such circumstance.

You know that Sir William Smith, who was the ex-sheriff, was what was called a conciliation man?—I never heard him called so.

Do not you know as much as you know the political opinions of any other upon that panel, that Sir William Smith was a conciliation man?—I never heard him called so.

Do not you know as much as you know the political opinions of any other upon that panel, that Sir William Smith was a conciliation man?—I really do not know what the term means.

Have you never heard the term used of a conciliation man?—I have heard the term used, but I have never known what it means.

Having heard it frequently used, did it never suggest itself to you what it might mean?—No, I never could divine what it meant.

Do you know what conciliation means?—Yes; but what a conciliation man means I cannot say.

What a conciliation man in the city of Dublin might be understood to be?—To me it is not so.

You mean to say that having lived in Dublin, and having heard the term used, you do not know what the term means?—I do not know what the term means, I have heard it applied to some that I really do not apprehend to be so; I never heard it applied to Sir William Smith.

What do you mean by their not being conciliation men?—I mean a person who exercises a very refractory and sturdy kind of conduct, and I have heard some of that description called by that name.

Then is not a conciliation man, a man who uses a conduct directly the reverse of that which is sturdy?—If I were to give my opinion from the term, I should suppose such a man as that would be called a conciliation man, but in the agitated state of Dublin it is difficult to say that the men called so are so, according to my construction.

You heard of His Majesty's letter?—Certainly.

That breathed a spirit of conciliation between the Orangemen on one side, and the Catholics on the other?—I conceive so.

Was not the term conciliation men, applied to those persons who wished to abide by the dicta of the King's letter?—I have heard it applied to persons, who, I conceive are not at all following the spirit of the King's letter.

Was not the term conciliation man, in the city of Dublin, applied to those persons who abided or professed to abide by the dicta of His Majesty's letter?—I have no doubt it was applied to those who professed to abide by it.

Do you not know that Sir William Smith was one of the persons who professed to abide by the dicta of the King's letter?—I do believe Sir William Smith did.

Then was not Sir William Smith a conciliation man?—By inference, he must have been.

Sir Thomas Weyland was sheriff in the year 1822, was he?—He was.

Who was the other sheriff?—Sir William Smith.

You were in office in that year as clerk in the sheriff's office?—I was.

In what way was the last panel of that year for the commission grand jury formed?—I am really not prepared to say exactly how it was formed, but from the best of my recollection it was formed by myself. I think so.

You selected the names?—I think so.

And submitted them to the sheriff?—Yes.

Was that the case with all the panels of that year?—Certainly not.

The last panel but one, the commission before the last, who formed that?—To the best of my recollection I did; it was formed in a like manner with the rest.

By yourself?—I think so.

How was the panel for the commission before that formed?—I cannot undertake to say how those were formed; but I think about three or four of them might have been so formed, and about three or four of them by the high sheriffs themselves.

Do you mean to inform the Committee, that you have no recollection of any one of the panels in 1822 having been formed by the high sheriffs themselves?—I have a most positive and distinct recollection of Sir William Smith himself having formed a grand jury panel during his year of office.

Which panel?—That I cannot say; but I recollect having waited upon Sir William

William Smith at his father-in-law's house, Sir William Stamer's, to press him for the panel, and that I received it from his own hand, at Sir William Stamer's house.

The names written by himself?—I think in his own hand writing.

Can you state what was the course of forming the panels in the year 1821?—The course, as I best recollect it, of forming the panels in 1821, was, when there was any extraordinary question to be tried, the high sheriffs took upon themselves to strike the grand panels; when nothing but the ordinary or common routine business was to be transacted, it was left to the sub-sheriff, and it very frequently in that case devolved upon me to do it.

Who were the sheriffs in the year 1821?—Sir George Whitford, and Sir Nicholas William Brady.

Can you state any instance in the year 1821 in which you recollect that the panels were formed by either of those gentlemen personally?—No, I cannot state; but my recollection is precisely as I have before informed the House, that when an extraordinary occasion occurred they struck, when it was the ordinary routine business, it was left to the under sheriff.

Can you state any instances within your official duty in which you recollect that to have occurred, and from that remembrance derive that impression except the one you have stated?—No, I have no present recollection to fasten the thing on my mind.

Take a little time to recollect whether there was any other instance except that you have mentioned?—The only circumstance which can fasten it upon any recollection is, that I am aware it was usual on the approach of the commissions, either for the sub-sheriff to speak to the high sheriff or to write him, informing him that the commission was approaching, and that it would become necessary to strike the juries; the line afterwards to be pursued depended on the answer of the high sheriff; he sometimes did it himself, and at other times said "There is nothing particular to be done you may as well assist me by doing it."

The general course was for the sub-sheriff to do it?—I think the general course was, unless something particular was to be done.

Your impression that when any thing particular was to be done it was done by the high sheriff, was in consequence of particular instances?—I think the general course was, if there was nothing particular to be done, for the high sheriff to say "Will you do this for me."

The impression of its having been otherwise in particular cases must have arisen out of special circumstances arising within your own knowledge?—Yes.

Can you state any other instances of the Sheriffs themselves striking the panel, except that of Sir William Smith and this late instance of Mr. Sheriff Thorp?—I cannot charge my memory with how the thing was done, but I am quite certain there never was a sheriff in the office that did not strike some one grand jury.

But except in those two instances you can recollect no other?—No; nor would I have been prepared to state those two instances, but for conversations I have had on the subject of the present proceedings, it was the subject of the present proceedings that called the circumstance I have stated with respect to Sir William Smith to my recollection so strongly.

You have stated that you consider that panel of the grand jury in January 1823 was returned in the usual and ordinary manner?—I have.

In every respect?—I think so.

And consisting of persons who were fit and proper and impartial for the trial of the case that was expected on?—I believe so.

It was your express wish and the instruction of Mr. Sheriff Thorp that no person of warm party feelings should be returned upon it?—No, not his instructions, he asked me for my advice, he submitted the list and asked me to look at it, and requested my advice as to those persons.

As to whether they were persons of warm party feelings?—Yes, and I said I believed they were not.

Was not the trial that was expected on, one that involved a good deal of consideration with respect to the dressing of the statue of King William?—Yes, I think it was.

There had been pretty strong opinions expressed upon that subject by certain persons in the city of Dublin?—A great many.

Do you not believe that an election of common councilmen took place some time in the month of November preceding that commission?—I know it did.

Mr.
M. M. Mansfield.
Fourth Day.
(May 7.)

Mr.
W. M. Mansfield.
Fourth Day.
(May 7.)

Do you not believe that an election of common councilmen took place some time in the month of November preceding that commission?—I know it did.

Do you not believe that a new election of corporators to the amount of 96 took place at that time?—I do know it.

Do you not believe that considerable exertions were made by a certain party in the corporation, to have persons returned who were favourable to the dressing of the statue?—In some of the guilds there was.

By the guild of merchants particularly?—By the guild of merchants particularly; but I think the principal object of the political party in the guild of merchants, was the election of one individual who had been rejected from the brewers corporation.

Who was that individual?—A Mr. Sutter.

What was the reason of his being rejected from the brewers corporation?—That I cannot say; I am in no ways connected with the brewers corporation; but I do believe, that the great reason of the effort being made in the guild of merchants was, that he had exerted himself very much on the dressing of the statue.

He had been very warm upon it?—So I understood, and that his whole claim to the favour of the guild of merchants was founded upon that circumstance.

Do you not believe, that a list was circulated of thirty-one persons, who were represented as fit to be elected as common councilmen for the guild of merchants, as being good men in bad times?—I know there were several lists.

Will you have the goodness to look at that paper? [*the hand-bill produced on a former evening being shewn to the witness*].—This is one of the lists.

Do you consider that the thirty-one persons who are named in that list were recommended upon the ground of their being favourable to the dressing of the statue?—No, I do not believe that.

Will you look at the device at the top of that list?—I do.

It is the figure of King William treading on the emblem of the lord mayor.—It is.

Was not the offence that the lord mayor of Dublin had given at that time his having given directions for preventing the dressing of the statue?—I have heard and believe it was.

What were the bad times designated in that paper; do you believe they were times in which the dressing of the statue was prevented?—I cannot tell whether it was the present times or the past times.

You cannot form an opinion upon it?—Yes I can, certainly.

What is your belief upon that subject?—I believe it refers to the dressing of the statue.

You believe the object was to obtain thirty-one men of the like description with Mr. Sutter?—I feel no hesitation in stating, that I have no doubt the party who made out this list would have returned thirty-one men of the description of Mr. Sutter, in preference to any other description of men, if they could have got thirty-one such.

You are not of opinion that thirty-one such as Mr. Sutter could have been got?—No, I think they could not.

Will you inform the Committee whether you do not find that out of the guild of merchants alone, seven of the persons who are named in that list were returned upon the panel, and sworn upon the grand jury?—I perceive there are seven of the persons in this list that were on the grand jury.

And that were elected of the guild of merchants upon that occasion?—Yes.

You have said that the jury was formed of persons dispassionate, not of warm feelings, and who were perfectly fit for the trial that was coming on?—I have said so.

Do you think those persons were of that description?—I do think so.

And it is upon the same principle you say that the jury generally were?—Certainly. I say the circumstance of their being in this list does not mark the tenor of their politics. I am of opinion the persons who made this list would not have put them there if they could have got better men for their purposes.

Will you have the goodness to say whether you consider a sworn Orangeman a proper and fit person to be put upon the panel of that grand jury, for the purpose of the then expected trial?—I do not conceive he was.

Do you see upon the list of the grand jury a person of the name of Joseph Lampry?—I have seen it.

Do you not believe that he was a sworn Orangeman?—I have no reason to believe it.

Have

645

Mr.
N. M. Mansfield.
Fourth Day.
(May 7.)

Have you any reason to disbelieve it?—I have not. I have neither reason to believe it, nor to disbelieve it.

Have you any ground then, to form an opinion whether he was a fit person to be on that grand jury?—I never heard he was an Orangeman, and therefore I think he was a proper person.

Do you see upon that list the name of Edward Cusack?—I do.

Do you believe that he is an Orangeman belonging to the lodge 1640?—I know he is, because he subsequently told me so himself.

Do you now think he was a proper person to be returned?—I am quite sure he would not have been returned, at least that is the impression upon my mind, I cannot speak to the feelings of another, but I believe he would not have been returned if he had been known to be an Orangeman; I would not have recommended him.

Do you believe that Samuel Lampray is an Orangeman?—I do, I have heard it.

Do you consider him a proper person to be returned on that panel?—I certainly would not have thought him so, if I had known it at the time.

Do not you think that going among the common councilmen or the corporation of Dublin, was as likely a means of stumbling on an Orangeman in a stranger to their body, as any other mode of setting about it?—I really thought at the time that there were very few Orangemen belonging to the corporation, and I have no other means than information of knowing whether they are or not.

The usual practice in your office is to have fair and independent jurors returned for trial of all the issues which come before the court?—So far as I have known, it has always been so.

And was so upon the present occasion?—I really do believe the parties making out that jury, were actuated by the same pure motives their predecessors had been.

You believe it was so upon the present occasion?—I believe that on that occasion the sheriffs had as pure an intention as any of their predecessors.

Do you mean to inform the Committee that the sworn grand jury on that occasion was constituted with a view to the administration of impartial justice with a view to the approaching trials?—So far as I know I say it was.

So far as you believe, was it so?—So far as I believe it was.

Were you applied to by any person to return particular names on that panel for any particular purpose?—I was.

Were the names specified to you?—There was a list or paper containing some names given to me.

Containing how many?—I do not know.

Did you make any answer to the person who proposed to you to return that list of names?—I did.

Did you promise they should be returned?—No, certainly not.

Did you say they should not?—My answer was whatever can be done for your friend shall be done.

The uniform practice of the office being to return fair lists for the purpose of impartially trying the causes that were to come on?—So far as I know it was.

Will you have the goodness to mention for what particular trial it was that those names were suggested to you?—For the trial of a Mr. O'Meara, who I was informed was to be tried for perjury, I think it was.

Were you not very indignant at this proposal being made to the principal clerk of an office, which for nine years, to your knowledge had been conducted with impartiality and with a strict sense of justice?—No, I felt no necessity for treating the applicant with indignance.

Did you feel a sentiment of indignation in your mind at such a proposal being made to you?—No; such proposals have been frequently made to me.

Will you have the goodness to mention whether any of those names that were so proposed to you were actually returned upon the panel?—That I can positively not tell; I never read the names; positively, I never did. The circumstance occurred in this way: the gentleman who made the application to me called me from the desk where I was transacting business, to a fire-place at some short distance from it; he had been previously speaking to me about it, and he said, "this is a list for my friend O'Meara, whom we have had some conversation about;" we had previously had some conversation upon the subject; I was pressed with business. I took the list from him, he handed it to me, and I said, "whatever can be done for your friend shall be done for him;" he walked out of the office; I walked

Mr.
N. M. Mansfield.
Fourth Day.
(May 7.)

towards the desk, and, as I had been in the habit of treating any application of that kind, I tore it, and never thought any more about it.

The list is not now forthcoming?—No, positively it is not, and was not five minutes nor two minutes afterwards.

It is not in your power to state, whether the names so proposed were actually on the panel?—Quite impossible.

The House cannot, therefore, have the advantage of comparing the written list with the panel returned?—Certainly not; save that the House may have the means of coming to that information through the person who handed that list to me.

Where is that person?—In Dublin, I believe.

What is his name?—Mr. George Butler, under Mr. Hudson, in the six clerks' office.

Do you know whether any bill was sent up against Mr. O'Meara on that commission?—I do not know it, but I believe there was.

You believe there was?—I believe there was.

Do you not believe that that bill was ignored?—I do.

Do not you know that an application was made to the Court of King's Bench to grant an information against Mr. O'Meara for that conspiracy, on the ground of the grand jury having ignored that bill?—That I have heard only through the proceedings in this House.

Do you believe it?—I believe it, in consequence of its having been asserted in this House; I believe it would not have been asserted from the quarter from which it was, if it had not been correct.

Do you not believe that the application for the information was founded on the conduct of the grand jury in examining the witnesses?—I do not believe any such thing; I cannot believe, that having merely heard here through the proceedings of this House that there was an application, but I do not recollect, that in reading the proceedings of this House it was charged that it was on account of the mal-practice of the grand jury.

Can you form an opinion upon that?—I cannot.

Why did you give the answer you have mentioned to Mr. Butler when he applied to you to return those names for a particular purpose?—The reason I gave that kind of answer to Mr. Butler was, that I conceived it the shortest possible mode of getting rid of the application.

Do not you believe that it was an application to you to violate your sworn duty for a most fraudulent purpose?—Not my sworn duty, but a very sacred one.

Are you not a sworn officer?—No, I am not.

And for the purpose of getting rid of the application, you thought it a most convenient way to say, that whatever could be done would be done for the party?—Certainly.

Do you recollect the application being renewed to you?—I recollect the application afterwards; I am not distinct as to the subsequent application.

Do you not believe, that the subsequent application was made to you by the same person for the same purpose?—Yes, I have now a distinct recollection that there was.

What did you think proper to say to the person when he renewed the application?—The answer he received on the renewal of the application was, that it could not be effected, because Sheriff Thorp had taken the striking of the jury into his own hands; that answer was given precisely with the same view that the previous answer had been, namely, to get rid of the importunity.

Do you not consider, that such answers were calculated to renew such applications, and to cause such importunities to press upon you again?—The last answer, I conceive, was not calculated to call for a renewed application.

Do not you believe then, the impression made upon the mind of the person who applied for it was, that if it was not done, it was owing to an accidental circumstance that it was not done?—I do think it calculated to make such an impression.

Would your memory at all serve you, if the names of the persons who were suggested in that list was read to you?—I never read it, I never conversed about it rather than I have stated, therefore I could not have the slightest recollection or knowledge.

Will you have the goodness to mention, why it was you tore that list, was it lest you

647.

you should be tempted to read it?—No; the reason I tore it was, because I conceived it the mode in which every such document should be treated.

Do not you consider it would have been wiser to have preserved the document, to prevent any such persons from getting upon the jury?—I certainly did not; I thought I was doing my duty in getting rid of the application in the manner in which I did.

You conceived you were doing your duty in first informing the party whatever could be done should be done; and then destroying the document by which the guilt of the party could have been proved?—The proving the guilt of the party never entered my mind; I could never think of turning round on Mr. Butler, whom I had known many years.

Do not you think a gross insult was offered to you by the application?—If the application had been made by a stranger, I should have considered it an insult.

But being made by an intimate friend, who knew your habits and your dispositions, you conceived it was excusable?—That it ought not to be treated as if a stranger made it.

A person who knew you well, did not give you so much offence in making it as a person who is a stranger?—Certainly; I think a man should not be so much displeased with his friend for making applications as he would be with a stranger.

Then you think the more a person knew of you, the more right he would have to make such an application to you, and would be entitled to expect a favourable reception from you?—I should give him civil treatment if a friend made such an application to me.

Did not you think it was your bounden duty to prosecute the person making that application for tampering with justice?—I do not see how the ends of justice can be answered by any such proceeding.

Not by prosecuting a person who endeavoured to tamper with justice, and thus evade the law?—I do not see how by the prosecution of a friend the ends of justice could be answered.

You say that applications of that kind have been very frequently made?—Indeed I think they have been frequently made.

Will you explain, if they have been uniformly refused to be complied with, why they have been so frequently made?—I cannot tell why they have been so frequently made, except that men are weak enough to think that their friends will do more for them than their friends are disposed to do.

Do you believe that any consideration of any kind was received, by any one in the office, with respect to returning names upon that grand jury; will you take upon yourself to say there was not?—I positively do not believe any such thing.

You have been examined as to the friends of Mr. O'Meara being put upon that grand jury; do you think a friend of Mr. O'Meara would be very likely to have acted partially towards the persons against whom the bills of indictment were preferred?—I cannot answer that question; I do not know of what description his friends are.

Is not Mr. O'Meara a man of that description that has been described as a conciliation man?—I understood Mr. O'Meara to be a Roman catholic; I am not quite sure whether my information was correct.

Is not he a man who is always supposed to be active in the Roman catholic cause?—Yes, I have always understood it so.

Do you think the friend of a man active in the Roman catholic cause would be likely to act in favour of persons whose crime was having acted against it?—I think if the friends of a man got upon a jury, they might go a great way to serve him.

Then if Mr. O'Meara's friends were put upon that jury, would they not in your opinion have defeated any intention, if such could have been entertained, of packing an Orange jury?—If the friends of Mr. O'Meara were of the same description of persons he himself was, I should think so certainly.

Was any other list handed in to you, relative to that jury?—No; that was the only list handed in to me.

Was any other list or paper left at your office?—No, I think not, for that jury.

Was there with respect to the petit jury?—The petit jury of the same commission do you mean?

The petit jury who were to try the ex-officio informations?—I really do not know that there was any handed in to me; I might have seen a list, but in what way it came to me exactly, I cannot precisely account. I do recollect, there was a list that

Mr.
D. M. Mansfield.

Fourth Day.
(May 7.)

the ex-sub-sheriff did hand me; a list with names, but I believe he did not bring it ready prepared to the office to me.

Who was the ex-subsheriff?—Mr. Henry Archer.

Did Mr. Henry Archer converse with you upon the subject of that list?—No, not upon the subject of that list; we had frequent conversations about the description of persons that ought to have been returned to try the ex-officio informations. He told me what description he thought ought to be returned, and I believe I concurred with him; and with respect to the list, my impression is, that one morning, sitting at the desk, (his affairs were not finally wound up, they continue for five or six months after he goes out of office, not completely wound up;) he called for the purpose of knowing whether his assistance was necessary; and we, as we had many times before, conversed upon the subject; and I think he took the grand panel of freeholders, and wrote some names upon a slip of paper from it, and told me those were the description of persons that ought to be upon it.

Did you concur with him in that description of persons?—I laughed at the idea of his handing a list to me, and said, "I suppose they are," or gave him some laughing answer; I treated it with lightness certainly.

That was not with respect to the grand jury panel?—No, I think that was with regard to the ex-officio informations.

You said that the application to put those persons on the grand jury panel arose in consequence of previous conversations with the person who applied to you to put them upon it; what were those previous conversations?—I recollect but one; Mr. Butler some few days before met me in the street, and told me some round varnished tale of a friend of his being in great distress on account of a transaction of sixteen years standing, and begged to know if I would do any thing for him in the way of putting any of his acquaintance upon the jury. I said "You know, my dear Butler, any thing I can do for you shall be done for you."

You are to be understood that this round varnished tale you speak of was an application to you to put persons on the panel, and that at that time and another time, you said that what could be done should be done?—Certainly.

At a subsequent time an application was made to you to put certain persons on the panel, and a list handed to you for the purpose?—Certainly.

And instead of looking at the list you tore it?—Yes.

In consequence of your having given those hopes to the person, that whatever could be done should be done, you had a subsequent application, and you conceive the manner of your answering upon those two occasions was the method best calculated to relieve yourself from any other application?—Yes, certainly.

You conceived that was the mode in which you could best discharge the duty of looking out a fair and impartial jury?—Certainly; there had not any other mode struck me at the time, but I now see it would have been the better mode to have preserved the list, but I did not think of it.

You are to be understood that it has been the practice more than once to make applications of a similar nature, with respect to putting persons on the panel, within your knowledge of the sheriff's office.—Oh! certainly; I have been applied to more than once.

By friends?—By friends.

Not by strangers?—Of course no stranger would take the liberty.

A list contained in a handbill having been shown to you, you have stated that you have no doubt the person or persons who prepared that list would have selected exactly such men as Mr. Sutter if they could have obtained them, but that they could not find thirty-one such names?—I did.

Have you any doubt that as they could not find exactly such names as Mr. Sutter, they would select men as like to Mr. Sutter as they could in political opinions?—Assuredly.

You conceive they would select men as like to Mr. Sutter as they could in political opinion?—I think I have already answered that question by saying, they selected the men who would best answer their purpose.

As like to Mr. Sutter in political opinion as possible?—Yes.

You do not mean to say that one-and-thirty persons in Dublin could not be found of the same description as Mr. Sutter?—I do mean to say that one-and-thirty persons could not be found connected with the guild of merchants just like Mr. Sutter.

Mr. Sutter was not one of the grand jury panel?—He was not.

If

649

If the Sheriff had wished for such description of persons, he could have found such persons to have put upon the panel?—There was no such description of persons as it.

Are you now on terms of intimacy with Mr. Butler?—I am.

Notwithstanding his attempt to make you violate a great public duty?—We had no words upon the subject.

You have been asked whether the names handed in by Mr. Butler were likely to have ignored the bills brought before that grand jury?—The answer I have given to that question is, if Mr. O'Meara's friends were of the same description as himself, they would have been very likely to have ignored the bills.

Having described the list, have you no means of knowing whether any of Mr. O'Meara's friends were on the grand jury, ignore the bill against himself, and to find or not find a bill against Forbes and others?—I have not.

You have been shown the list of thirty-one persons recommended to be elected corporators by the guild of merchants?—I have.

Seven of those you have stated were sworn upon the grand jury?—Yes.

By the comparison of the panels with that list, can you state whether there were others that were not sworn?—So far as my recollection can serve me by the view of the panel, I shall be happy to state it.

Has any body either sent you any list, or had any communication with you, whom you have not yet mentioned with respect to that panel on which the grand jury was struck?—Certainly not.

Who was the gentleman who spoke to you with respect to the names on the panel for trying the ex officio informations?—Mr. Henry Archer, the ex-subsheriff.

When did that conversation take place, as nearly as you can recollect?—I have conversed with him frequently; I think that circumstance occurred about a week or a fortnight before the trials were to commence.

Do you recollect where it took place?—In the sheriff's office.

Will you repeat, as nearly as you can recollect it, that which passed between you and him upon that occasion?—I think on Mr. Henry Archer coming to the office, he greeted me or saluted me in the usual manner; asked me if I knew any thing about the striking; whether the sheriffs had commenced the striking of the jury panel, or whether they would take upon themselves so to do. I said, that I had known nothing about how the thing was going on, or whether it was in progress, or whether it was not. He said, "What description of persons do you think should be on the panel?" My answer was, "respectable independent persons." He said, he thought so too, and of mercantile men. I concurred. He took the grand panel, and was about to point out to me the names of such persons as he thought fit persons to serve upon the jury. I was busy about something else. He then took paper, and made out the list from the grand panel of freeholders, and said, "Those are the descriptions of persons that I think ought to be on the jury for the ex officio informations."

Do you recollect any of the names that were so pointed out?—No, I do not indeed.

What has become of that paper?—As well as I recollect, Mr. Archer went away; shortly afterwards Mr. Sheriff Thorp arrived; he said "I suppose it is time for us to be thinking of making out the jury for the trial of the ex officio informations;" I said "it is certainly time to be stirring about it;" he said "I suppose Sheriff Cooper will return a good panel;" I said "here is a description of persons, certain persons would like;" Sheriff Thorp looked at the thing, smiled, and tore it; I think that was the way in which it passed.

You have stated that you have been nine years clerk of the sheriff, and that during that time you have been in the habit of making out the panels for the commission grand juries?—Sometimes.

Have you generally seen them?—I think I have uniformly seen them.

What is the general number of which the panel consists?—They have certainly varied very much in their number on that point, there is correct information before the House from Mr. Riky.

What is the number of whom it consisted?—They run from fifty to seventy, and from that to a hundred.

What is the smallest number you recollect previous to the January grand jury panel?—The smallest number I recollect was that returned on the preceding commission by Sheriff Thorp, I think that was sixty-three, I should not have had these numbers upon my recollection but for the proceedings here.

Mr.
N. M. Mansfield.

Fourth Day.
(May 7.)

Sheriff Thorp consulted you and showed you the panel for the January commission?—He did.

Did you make any observation upon the number of that panel?—I do not recollect that I did.

Did he make any observation to you?—No, I do not think I counted the number of the panel.

Did it not strike you as extraordinary, that on a panel before which bills were to be brought for trials of the greatest consequence, the number should be much smaller than usual?—No, I would not have conceived that circumstance of any value whatever.

Why so?—Because the grand jury is so constituted, that it does not matter what the number was; the first twenty-three persons that answer to their names must be of the grand jury; no objection or challenge will lie, that I am sure of; and therefore if there was an attendance of twenty-three secured, it is no matter what the number was.

Have you ever known the first twenty-three answer to their names?—No, I have not; but upon that point my information would not be good; I never attend the commission court.

In general you would not think it sufficient to return a panel of forty names only?—In general I certainly would not.

Do you think fifty would be sufficient in general?—No, I think there are times when fifty would not be sufficient; that when there is nothing but ordinary routine business, and that public feeling is not interested, fifty or sixty would not be sufficient, for that juries are lax in their attendance; but that when the public mind is occupied with the business to be done, fifty or sixty would be sufficient, for juries are generally anxious to attend on public occasions.

Is there any fixed number for juries?—Four-and-twenty I believe.

You have said that when you gave that paper of which you have spoken, into Sheriff Thorp's hands, you said, that was the list of names which certain persons wished to be returned?—I did.

Who are certain persons?—I mean by certain persons, Mr. Henry Archer and Mr. Henry Archer's connections.

Who are his connections?—Of course his father, Alderman Archer, and his friends.

Did you make Mr. Sheriff Thorp understand who certain persons were?—No, I think I went no further than the mere communication, that this was the description of persons certain persons would like to have upon the jury, and that we had no further conversation.

What did Sheriff Thorp do upon that?—He took the list, smiled at it, and tore it.

Did Mr. Sheriff Thorp make any observation expressing any surprise that such a list should have been handed to him?—No, he did not. I laughingly handed the list to him, and he laughingly received it, and so disposed of it.

Did he make any observation upon it?—I think there was none.

Was it torn immediately?—Certainly.

Is that place?—Yes.

Did Mr. Sheriff Thorp express any censure on the offer of the list to him, and its being said this is the description of persons certain persons would wish to have upon the jury?—No, Sheriff Thorp must have clearly understood that I did not intend to offer such a thing to him and therefore censure was unnecessary.

Did you read that list?—I am not quite sure I did.

Can you tell any of the names upon it?—I certainly cannot.

Did you read any part of the list?—I really did not; I have no recollection whether I read the list.

Do you mean to say that you took the list and handed it in and said to Sheriff Thorp, this is the list of persons certain persons would wish to have upon the jury, and that you never read the list, and cannot tell any of the names?—No, I do not mean to say I never read it, but I cannot charge my memory with having read it, I am quite clear I might have read it and not recollect the names.

Do you or not believe that the persons in that list were afterwards put upon the jury?—I cannot form a clear opinion, for I have no recollection of any of the names.

What

Mr.
N. M. Meyfield.

Fourth Day,
(May 3.)

What are the opinions of Mr. Archer, is he a conciliation man?—As I now understand the term, Mr. Archer is unquestionably one of the conciliation men, certainly.

You never knew until to night, what the meaning of a conciliation man was?—I certainly never heard it so well defined before.

You have stated, that in one instance the panel of the grand jury was made out by the high sheriff Sir William Smith, have you not?—I have.

On what occasion was that?—I do not recollect the occasion, I do not think there was any thing particular occurred upon that occasion.

Was that at the time of His Majesty's visit to Ireland?—It must have been after, certainly he was not sheriff that year.

Looking over the list of the grand jury of January 1823, and comparing it with the recollection of former grand juries, do you think that it is composed of individuals of the same class of society as those ordinarily returned to serve on grand juries?—I certainly do.

Are you acquainted with William Carpenter, whose name appears upon that grand jury?—I am, very well.

What is the situation in life of William Carpenter?—He is a builder; I understand that he has had within the last two or three years from Government, some very extensive contracts, either by himself or in conjunction with others, for some of the works about the Custom House, and that he is a common councilman, which entitles him to serve on the grand jury.

Do you know that William Carpenter ever served on any former grand jury?—O yes; I believe many.

Can you mention any one year?—No, I cannot; but I am positive he served on a great many quarter sessions grand juries.

Do you happen to know whether Mr. Sheriff Thorp is an Orangeman or not?—No, indeed I would not know an Orangeman if I saw him.

Have you ever heard whether he was or not?—I never heard that he was; I have asked the question myself and never could find the truth, for those I have asked the question of, were just as ignorant as I was myself of it.

Do you recollect the making out the panel when the King's visit was expected in Dublin?—I do.

Who was the sheriff at that time?—I am not quite sure, whether it was Sir George Whitford's quarter or Sir Nicholas Brady's.

Who made that out?—I am not certain which of them it was.

You did not make it out?—I did not, I think.

Was not there great solicitation to be put upon that grand jury?—So I understood that persons expressed an anxiety to be put on.

Cannot you say whether you made out that panel or not?—I think I did not; I think whichever sheriff's quarter it was at that time, made it up.

Did not the grand jury expect that they should have to go up with an address to the King, and be received personally?—I believe that was the ground of the anxiety to be put upon it.

You do not recollect whether that was a grand jury made out by yourself?—I cannot recollect, unless it is marked by some particular circumstance.

What circumstance would mark it sufficiently?—Such a circumstance as my going to Sir William Smith's house to get the panel from him, or waiting upon the sheriff for it.

You mean circumstances concerning yourself?—I mean circumstances concerning myself.

Does Mr. Whistler ever make out the panel?—I do not recollect that Mr. Whistler ever made out a panel; I believe he assisted the sheriff in making out the panel in question.

When you stated to Sheriff Thorp that certain persons wished that list to be on the panel, did he understand, from any thing you said, what political class those certain persons belonged to; did you insinuate whether they were conciliation men or Orangemen?—I mentioned the name of Mr. Henry Archer; I think he knew of course that he was a conciliation man.

Wheo

Mr.
N. M. Mansfield.

Fourth Day.
(May 7.)

When Mr. Archer gave the list to you, did he give it with any degree of seriousness or not; do you apprehend he seriously intended you should hand that list to the sheriff?—I think he did not; I think he never intended that I should adopt it.

The first application that was made to you to put some persons on the panel on Mr. O'Meara's account, was by your friend Mr. Butler?—It was.

Was the second application made to you by Mr. Butler also?—It was.

How long after the first application?—I think it might be about a week.

How long was that before the panel was sworn or summoned?—I suppose it was about a fortnight, or perhaps between a week and a fortnight.

Was there any body besides Mr. Butler and yourself?—No one, the first application, I believe as well as I recollect, he met me in the street, and the second application was detached from many persons that were in the office.

Who was by the first time?—I do not believe there was any body by the first time.

Was there any body by the second time?—Certainly not.

You gave the reason that Sheriff Thorp had the panel?—That was on the third application, the third answer was getting rid of the application altogether.

Was there any body by at the third?—No.

You then said that Sheriff Thorp had the panel?—I said that Sheriff Thorp had taken upon himself to make out the panel, and therefore I could not do it.

Did not you assign a reason why Sheriff Thorp had taken upon himself to make out the panel?—To the best of my recollection I did not.

Are you sure you did not?—I am quite sure I did not.

Might not you have said such a thing as this, that Sheriff Thorp had taken upon himself to make out the panel on account of the trial of the rioters?—It is perfectly possible I might have said that, but I have no recollection of having said that.

It is possible you might say that?—It is.

You say you destroyed the list given you by Mr. Butler; how soon was that after he gave it you that you destroyed it?—The distance I had to go from where I stood when he handed it to me to the desk, was not farther than from this to the table; on my way from that place to the table I tore the list.

You thought, of course, those persons were improper persons to be put upon the grand jury?—No, really I had no such thought.

Did not you think that any persons recommended by any gentleman for the purpose of throwing out a bill, were improper persons to be put upon the grand jury?—I thought that the putting them there would be an improper act, but I did not give myself any thought upon their propriety or impropriety.

Can you say whether those persons were, or not, on the grand jury impanelled by the sheriffs?—I cannot.

Did not it strike you, that it would be desirable to keep that, to prevent such persons being put upon the panel?—No, it did not occur to me; but I now think from the questions put to me this evening, that would have been a better mode.

Are you to be the sub-sheriff for the next year?—I really believe yes.

Mr. Samuel Lumprey is one of the sheriffs elect?—Yes.

He is one of the gentlemen you have stated to be a sworn Orangeman?—As I have heard.

You are acquainted with the general description of persons who are put upon the panel to be sworn grand jurors?—I am.

Have you ever known Roman Catholics put upon that panel?—Certainly I have.

Were there any Roman Catholics upon this panel of fifty?—No, certainly not.

Did you know that there were any Orangemen upon it?—Certainly I did not, and certainly if I had, I would have advised the sheriff to have put them off.

What is Lumprey?—It has subsequently come to my knowledge that he is.

Did you make any inquiries whether they were Orangemen?—No, I never inquired whether a man was an Orangeman; I never inquired into a man's politics or religion.

Do you not know that there were several persons on the jury that were favourable to the dressing of the statue?—No, I did not know that there was one.

Sir George Whiteford, called in; and Examined.

*Sir
George Whiteford.*

*Fourth Day.
(May 24)*

WHAT is your name?—George Whiteford.

You were foreman of the grand jury in January last?—I was.

You recollect the circumstances which passed upon the informations preferred against certain persons, for a riot in the theatre of the city of Dublin, on the 14th of December, which were preferred before the grand jury, of which you were foreman?—I do; I have some recollection; I cannot exactly state every particular; being foreman, I did not take notes from the witnesses, but the secretary did take notes of the evidence; but I being foreman, I did not take the notes.

You have a general recollection of what passed there?—I have, of a good part of it; of the entire I cannot exactly say.

Are you an Orangeman?—I am not.

Are you a man who hold very strong party feelings, with respect to the questions which agitate the city of Dublin, at this present moment?—I never conceived I did; quite the contrary.

Are you a man, who think that it would be for the benefit of Ireland, that general conciliation should take place between all its inhabitants?—It was always my wish, that the inhabitants of Dublin should live in peace with each other.

In the investigation which took place before the grand jury, what portion of time do you imagine was devoted to the bills before alluded to?—I think we got the bills about two o'clock, as well as I recollect; we remained until five; and I think from ten o'clock or eleven o'clock, I cannot exactly recollect the precise time, until about three or four o'clock the following day, in close investigation, as well as I can recollect; I cannot say positively, but as well as I can charge my memory.

How long was it previous to, or subsequent to the riot at the theatre, that Sheriff Thorpe requested you to be foreman of that grand jury?—I think it was, as nearly as I can recollect, nearly three weeks previous to the row at the theatre, that he asked me to go foreman of that grand jury.

From what passed on that grand jury, did fair investigation seem to be the object?—I never saw a set of gentlemen, in the course of my life, more anxious to discharge their duty than they seemed to be.

Did you see any symptom of party feeling breaking out, with regard to any particular witnesses who were examined?—I did not.

If you had seen it, would you have thought it your duty to have checked it, as foreman?—I would have done so.

Did you hear a report of any conversation, in which Sheriff Thorpe was supposed to have stated, that he had an Orange jury in his pocket?—I did.

Did any thing pass between you and Sheriff Thorpe, upon that subject?—There did.

Be so good as to state what it was?—Previous to the jury, I heard that a man of the name of M^r Connell, went before the privy council, and made affidavit, that Sheriff Thorpe said, "he had an Orange panel in his pocket, that would acquit the prisoners." I went to Sheriff Thorpe, and asked him, did he say such a thing; if he did, that he should get another foreman, that I would not identify myself in any party feeling; and he made answer and pledged his honour, that he never made use of such an expression; and in consequence I was induced to go on the jury, otherwise I certainly would not have gone on.

Will you have the goodness to state, what you wish the Committee to understand, by the expression of, the secretary to the grand jury?—It is always usual on grand juries, to appoint officers to carry on the business regularly, that there should be no misunderstanding, and that every thing should go on regularly, without any interruption; there is a gentleman appointed to take care of the door, to let the witnesses in and out; and a gentleman appointed secretary to read the bills.

One of the grand jury?—One of the grand jury.

You dined at Sheriff Smith's dinner, did you not?—I think I did.

Did any thing particular occur at that dinner?—Not to my recollection.

Did Sheriff Smith give the toast, "the glorious and immortal memory?"—I rather think not.

Was that toast given by any person at that dinner?—I believe not.

You did not give it?—I gave it when I was sheriff.

You did not give it at Sheriff Smith's dinner?—No.

You did not take out an Orange handkerchief, and give that toast?—I did not.

308.

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Having

Sir
George Wingfield

Fourth Day,
May 71

Having served the office of sheriff, you are of course a protestant?—I am.

And you hold in veneration the memory of King William?—Yes.

There has been, for a great number of years, a custom of decorating the statue of King William?—I always saw it done.

There was a great diversity of opinion, as to a stop having been put to that ceremony?—There was.

You were one, who thought that ceremony might as well not have been stopped?—Certainly, my feeling always was, that all kind of irritation should be avoided.

Irritation had been excited, by stopping that ceremony?—Certainly.

You therefore were one of those who concurred in blaming the authorities, that stopped the decking of that statue?—I cannot exactly answer that question.

You thought that a wrong step had been taken by the authorities, in putting a stop to that ceremony?—So far as I was capable of judging, I did not think it a judicious measure, in the kind of way it was done.

You concurred, in blaming those that so stopped it?—I certainly thought it was not judicious.

Then you thought those persons who did so stop that ceremony, did not a part which they ought not to have acted?—I certainly expressed my feeling so far, that I thought it was a measure, that was not calculated to create conciliation.

You expressed that feeling?—I am not quite sure, whether I expressed that feeling; but I certainly had that feeling on my mind.

Have you then any doubt in your mind, that in conversation with your friends and acquaintances, you did express feelings to that effect?—Really I cannot exactly say; I dare say I did; I do not suppose there is any one in Dublin who has not expressed his feelings, in one way or another.

The riot which occurred at the theatre was occasioned by the irritation occasioned by the stopping that ceremony?—I declare I do not know; I should suppose so.

Have you any doubt in your own mind that the riot which occurred at the theatre, when his Excellency attended, was occasioned by the ceremony of decking the statue having been stopped?—I cannot say myself; I have heard it.

Is not it a matter of general notoriety?—Certainly.

Have you then the slightest doubt in your mind, that that was the circumstance which occasioned that riot?—I think it very likely.

Can you state before this Committee, that the slightest doubt exists in your mind, that that riot was created by that ceremony having been stopped?—I declare I cannot say; I should suppose it arose from the stopping of the dressing of the statue.

[The witness was directed to withdraw.]

[The witness was again called in.]

Were you one of those who expressed disapprobation against the authorities for stopping the decoration of the statue?—I never expressed any such thing.

Do you approve of measures that are not calculated to promote conciliation?—I approve of measures that are calculated to create conciliation.

Then you disapprove of measures that are not calculated to create conciliation?—Certainly.

You did not express disapprobation with those who stopped the ceremony of decorating the statue of King William?—I do not think I did.

What did you express then?—I think I expressed myself so far as this, that it was not calculated to create conciliation.

[The witness was directed to withdraw.]

[The witness was again called in.]

Did you approve the stopping the ceremony of decorating the statue of King William?—The question, as I understand, put to me, was, and I said I concurred in every thing that created conciliation.

Did you approve the stopping the ceremony of decorating the statue of King William?—The feeling I had on my own mind was this, that where the thing was sanctioned by the government for so many years, it was ill calculated to stop it in the kind of way it was attempted.

Did you disapprove of that measure?—So far as that.

Did not the riot that took place at the theatre originate from a disapprobation of the stopping that ceremony?—I declare I cannot say.

Was it not matter of notoriety, that it did take place from that circumstance?—I believe it was generally mentioned through town.

[The witness was directed to withdraw.]

[The

[The witness was again called in.]

57
George H. Walsford.

Fifth Day.
(May 7.)

Do you belong to the Amicable Society in Dublin?—I do.
What are the principles of that society?—The only principle that ever I knew among them, was loyalty and attachment to the King and constitution.

Are there not many persons belonging to Orange lodges, belong to that society?—I cannot answer that, for I am not an Orange man myself.

Do you not know, that there are members of that society who are members of Orange lodges?—There may be, but I do not know; I go there very little.

Do you know any catholics belonging to it?—No.

It is exclusively formed of protestants?—It is.

Have they dinners?—They have.

Is not the toast, "The pious and immortal memory," constantly drunk at this dinner?—Always.

What are the rules of that society?—I declare I do not know the rules.

Is not one rule, that no catholic shall be admitted into that society?—I really do not know; I have been a very short time a member of the corporation, and I do not know their rules; all I know is, I was admitted, and I very seldom attend.

You do know, so far as that no catholic is admitted a member of that society?—No catholic; I never knew any catholic.

Are you acquainted with the Handwiches?—No, I do not know any thing about them.

You were at Mr. Sheriff Thorp's dinner, were you not?—I was.

There "The pious and immortal memory" was drunk?—It was.

You joined of course?—Of course I did.

Do you think that is calculated to promote conciliation?—I declare I cannot say; it has been drank as long as I remember, until lately.

Is that calculated, to use your own words, to allay irritation?—It is a standing toast in the corporation, and they always expect it to be given.

Is it, to use your own words, a toast, at present, calculated to allay irritation?—I really do not see how any person could object to it.

Is it a toast calculated, under present circumstances, to allay irritation in the city of Dublin?—I think, from the present feeling in Ireland, that it is not calculated.

You have said, that you were present at the dinner which Sheriff Thorp gave, on coming into office?—I was.

Were you present when the health of Sheriff Thorp was drank by the company?—I think I was.

Did you hear the speech which Sheriff Thorp made upon that occasion?—I do not think I was there; I was not sitting near the head of the table.

Did you hear any part of that speech?—I do not think I did.

How far off were you from Sheriff Thorp at that time?—I was perhaps in the middle of the room, as well as I recollect, at one of the side tables; it is an amazing large room.

Was it in consequence of there being a great noise in the room, or from what cause, that you did not hear what Sheriff Thorp said?—There is generally, when there are two or three hundred people, a great noise, so that a person is not heard distinctly.

Did you hear any persons, further off than yourself, applaud what Sheriff Thorp said?—I cannot recollect it; it might be the case, but I cannot recollect.

Did Sheriff Thorp speak in a loud, or a low tone of voice?—I did not hear him.

You say it was an amazing large room; how far from Sheriff Thorp were you at the time he made this speech?—I cannot exactly say.

Were you as far as you are from the chairman?—I should think three or four times the distance; three times at least.

When Sheriff Thorp got up to speak, was there not silence in the room to hear him?—I should think there was.

Did you turn your ears towards him?—The room is so large, that if I paid ever so great attention, I do not think I should hear him from where I was.

You were in the middle of the room?—I do not say that, I cannot exactly say where I was; but I was so far away, I did not hear what he said.

Were there many persons further away from Sheriff Thorp than you were?—I should think there were.

308.

Have.

*Mr.
George Whitford.*

*Fourth Day.
(May 7.)*

Have you any doubt there were many persons further away from Sheriff Thorp, than you were?—I should think there were.

Have you any doubt there were as many further off, as there were nearer than you were?—I declare I cannot say.

Were there not as many further off as nearer?—I cannot say.

There was a great number?—There was.

Do you recollect the room, generally speaking, being attentive to Sheriff Thorp, when he made that speech?—Indeed I do believe they were, but there is generally such a noise, and such a buzzing, that unless the person speaks very loud, he is not heard.

Do you mean, that there is a particular noise when a person is making a speech?—No.

But when Sheriff Thorp spoke?—No; but when gentlemen get at little wine, they get sometimes a little out of order.

At that time, was there a particular noise in the room when Sheriff Thorp was speaking, more noise than usual?—Indeed I cannot say.

Who made the speech next before Sheriff Thorp?—Indeed I do not know.

Who made the speech after him?—Indeed I cannot say.

Who was the last speaker before Sheriff Thorp, that you recollect?—I should think the lord mayor; he generally gives the sheriff's health immediately after, that is generally the practice.

How long before Sheriff Thorp did the lord mayor speak?—I declare I do not know.

Half an hour?—I should think not so long.

A quarter of an hour?—I should think sooner than that.

Five minutes?—I cannot exactly state the precise time; the sheriff gives the lord mayor's health, and before he sits down he gives the sheriff's health.

You heard the lord mayor?—I did not hear the lord mayor, nor any of the speeches, I sat too low down; there was such a buzz in the room I did not hear what they said; I read it in the paper the following morning.

Did you hear no speech that was delivered that evening at all?—I might, when the room got thin, got up; but I do not recollect that I did.

Of the many speeches that were made before Sheriff Thorp's, do you not recollect hearing any at all?—I might have heard some of those that were sitting near me, but I do not recollect them.

In what position did Sheriff Thorp speak, was he standing upon the floor or a chair?—I should suppose standing on the floor.

Are you quite sure he was not standing upon the table?—Indeed it would be a very extraordinary place for the sheriff to stand.

But not for a person speaking after dinner at a public meeting?—I never saw an instance of it.

Are you quite sure you did not see Sheriff Thorp standing upon the table that day?—I do not recollect it.

Nor on a chair?—No.

But you think he stood on the floor?—If he spoke at all, he stood on the floor.

Have you any doubt whether he spoke?—I am sure he did speak.

You say if he spoke at all, he stood on the floor; do recollect yourself, have you any recollection of where Sheriff Thorp stood?—At the head of his own table.

On a chair, or on the floor, or on a table?—On the floor I should think.

But you have no recollection whether he did or not?—I have no recollection of the sheriff standing on the table.

Do you recollect hearing him speak at all?—I do not.

So that you cannot say whether he spoke or not?—When his health was drunk, he did speak, but I did not hear him speak.

Do you recollect his getting up?—I did not see him.

Do you remember on any occasion at a public meeting, an address, or a resolution having been moved, in censure of the government, on which an amendment was afterwards proposed?—I do not.

Do you not remember any motion to have been made, tending to the censure of the government, on which an amendment was moved by a person of the name of Poole?—I was not present.

You have said, that you think the measures as to the preventing the dressing the statue were not judicious, that they were not calculated to produce conciliation?

657
 Sir
 George Whifford.
 Fourth Day.
 (May 7.)

conciliation?—I have said, that after its being countenanced by the government for so many years, I thought a sudden measure was ill calculated for conciliation.

Do not you think, being of that opinion, that it was a very fair thing in persons who entertained that opinion to express it, and to express it publicly?—I certainly think, that almost every one has expressed their opinions on that subject.

Do not you think, that persons who are of that opinion, have a right to express it publicly, and that it is a fair thing for them to do it?—Certainly, very fair.

Do not you think they have a right to do so, in a public theatre or any other place?—I think they have a right to express their feelings, but not to disturb the peace.

That they would have no right to assault the person, either of the Lord Lieutenant, or of any other person?—Certainly not.

But they would have a right to express their disapprobation of those measures at the theatre, is not that your opinion?—My opinion is, that, as far as my own feeling would go, there should be no offence, in any kind of way, offered to the representative of His Majesty.

Do you think it would be right to punish any person for merely expressing his disapprobation of those measures at a public theatre, or any other place?—My opinion is, that, unless he was hostile, and showed great hostility for merely disapprobation, hissing or booing, my opinion is, that they are privileged to do that at a theatre.

Your opinion is, that a public theatre is a privileged place, where persons may freely express their opinion?—That is my opinion.

If persons beforehand, know there is to be an opportunity of expressing those opinions at the public theatre, do not you think it is a very fair thing in them, to agree to go there for that purpose, not meaning to assault, or do any thing further than hissing or clapping?—I declare, I do not know what the opinions of others might be; I declare my own would be, to go there to look on, and not to offer any interruption.

Do not you think it would be an unjust thing to punish persons for merely agreeing before hand to go to the theatre, merely for the purpose of hissing or groaning, if they thought a measure injudicious?—My own opinion is, that they ought not to be punished for merely hissing and groaning.

You served the office of sheriff two years ago?—I did.

During your shrievalty, what was your course for forming the panels for commission grand juries?—I always formed the panel, and I inclosed it to my brother sheriff for his concurrence.

Did you yourself select the names?—I selected the names myself from the grand panel.

Not your under-sheriff?—Sometimes he did; and sometimes I have done it myself.

What is the general course?—The general course is, for the sheriff to write out his own panel, and submit it to his brother sheriff, and then for it to go to the sheriff's office, to have it engrossed.

The general course is for the sheriff himself to select the names?—Yes, if he does his duty.

Did you yourself go to select the names from the book, or was a list handed to you from the office, for your approbation?—Sometimes I made out the list myself, and sometimes I desired the under-sheriff to make out a list, and he always submitted that list to me when it was my quarter; and I submitted that list to my brother sheriff, and then we got it engrossed.

Was not the decision of the grand jury, upon those bills, unanimous?—It was.

Are you to be understood to state, that the general course is, you having served the office of sheriff, for the sheriff himself always to select the jury?—It is generally the case; the sheriff writes out his list from the grand panel, and he submits that to his brother sheriff; he encloses it to me, he sends it back, or we both go to the sheriff's office, and agree on the panel; and then we get it engrossed by the under-sheriff's clerk; that is the course that I adopted.

Then the general course in that office is, that one sheriff selects from the grand panel, and submits to his brother sheriff, and they agree together upon the panel, and then send it back to the sub-sheriff?—The sheriffs take it quarter about; in his quarter he makes out his panel.

You are understood to say, that the common course of that office is, that one sheriff selects from the grand panel, and submits these selected names to his brother
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See
George Whetford.

Fourth Day.
(May 7.)

sheriff, for his approbation; and that then the two agreeing upon the names, they are sent back to the sub-sheriff?—That is the course that I adopted, when I was sheriff, during my quarter.

Is that the usual course in the sheriff's office?—I should think it is.

Why do you think that is the usual course?—It is the course that I have always seen adopted.

How many times have you known, of your own knowledge, that that course was adopted, except when you yourself were in the office?—I cannot say as to what other sheriffs would do; but that is the course I adopted myself.

Do you mean to say, it is the usual course adopted, or only that which you know to be adopted in one case only?—It is the course that I adopted during my year of office.

Then what do you mean, by telling this Committee that that is the usual course?—It was the course that I laid down for myself, in going through my year of office, to make out the panels myself, submit them to my brother sheriff, and he and I would go, or one of us, after they were agreed on, and get them engrossed, and then the summones issued upon that.

Do you know of that course ever having been adopted in any one case, except when you were sheriff yourself?—I do not; for I had no assistance to guide me in the office; after I was out of it—

Then you do not know that that is the usual course?—I do not.

Then that is not the usual course for any thing you know?—

[The witness was directed to withdraw.]

[The witness was again called in.]

Then what you mean by the usual course of the office is, (is it not?) the course of the office while you yourself were sheriff?—I know nothing about the course of the sheriff's office, beyond my own year of office.

Either before or after?—Either before or after.

While you were in office yourself, to which period you are now confining your statement, was, what you have stated to be the course, in every instance adopted by you?—Indeed perhaps I cannot exactly answer that, for I might have got the sub-sheriff to make out a list, and send it to me for my inspection.

How many grand jury panels were struck while you were in office?—Every quarter, quarter sessions juries, commission juries, and term grand juries.

How many in the year?—Fourteen; I think there is a commission jury every quarter, a quarter sessions jury, and term grand juries.

At how many of those terms do you recollect was the course you have adopted, not pursued?—I cannot answer that; to the best of my recollection, I mostly always made out the list.

But sometimes you think it was not done?—I think not, in one or two instances.

Those were the terms that you yourself operated, and not your colleague?—When I desired the sub-sheriff to make out the list for me, he used to enclose it to me; I took it to my brother sheriff, we agreed upon it, and then it went back to him.

That was half the number of times during the year, your colleague acting in the same way during the other half?—I think he did.

During the time your colleague acted in that way, did he in the same manner pick out from the returns handed to him from the under-sheriff, and submit his list so selected, to you?—I think he used always to send the list to me for my approbation, and I used to return it again to him.

But with respect to the lists he sent to you for your approbation, do you know that he selected those himself, or that they were transmitted to him ready selected by the sub-sheriff?—I cannot answer that; I do not know.

You only speak to the course of the office during half the year that you were in it?—So far as my own quarters are concerned; that was generally the course I adopted myself.

During half the year?—Yes.

Even during that half year, you will not take upon you to say there were not some of the times that you pursued another course?—There never was a jury struck, that the panel was not submitted to me.

Some of the times you do not make the selection yourself?—I think there was once or twice, that the sub-sheriff made out the list, and submitted it for my approval.

And

659

And you did not then select?—I made my observations on the panel.

But he selected, and you approved?—He made out a general list for my approval.

Then that reduces it to about five times?—I declare I do not know, I cannot exactly say, as to a particular time.

If you take two from seven, five remain?—I think it was something about that.

Was Mr. Mansfield clerk in the sub-sheriff's office, at the time you were sheriff?—He was.

During the year you were sheriff?—Yes.

All the time?—Yes.

And he never during your shrievalty, selected the panels, and submitted them to you; but you yourself, except in one or two instances, selected them yourself during that year?—I think so.

Are you to be understood, that Mr. Mansfield was clerk in your office during the time that you were sheriff?—He was.

And that during that time, with the exception of one or two instances, you selected the juries yourself, and that the sub-sheriff did not select them to be laid before you?—There never was a jury struck that was not submitted to my inspection; I took it to my brother sheriff, and we then agreed upon the panel, and had the summonses sent out.

Did you select them yourself from lists not made out from the panels, but presented to you, except in one or two instances?—I do not think I ever made any list but from the grand panel.

Are you to be understood, that during your shrievalty, Mr. Mansfield did not make out the lists, but that you made them out from the grand panel?—I think so, as well as I recollect.

You have said, you disapproved of the order, not to dress the statue, as being a measure of irritation?—I think, I said so.

And that is your opinion, you did not approve of that measure of stopping the dressing the statue, as being a measure of irritation?—I do not understand the question.

What is your opinion; do you think that the stopping the dressing of the statue was a measure likely to produce irritation?—I think it was.

Do you think the measure of dressing the statue, a measure of irritation, or conciliation?—I think the dressing it also a measure of irritation.

You think them both measures of irritation?—Yes, I think so.

Does the sub-sheriff pay the high-sheriff any sum of money during the period he is in office?—Not that I know of.

He pays him the fees of office, does not he?—Yes, there are fees attached to the office.

These the sub-sheriff pays to the sheriff?—Yes.

Had you frequently served on a grand jury before?—I had.

Was the grand jury, in 1823, composed of a less respectable class of individuals than you had formerly known serve as a grand jury?—I think I never served on a jury with more respectable gentlemen than the grand jury in 1823.

Do not you believe that the course which you pursued in striking the panel, was the usual course with sheriffs in striking a panel?—It was the course which I adopted.

Do you not believe that it was the usual course?—I should suppose it was; I cannot say; it was the course I adopted myself.

Are you not one of that party, in Dublin, who wish to see the dressing of the statue die a natural death?—Certainly; I wish to see a discontinuance of it.

Did not you, at the time of the King's visit to Ireland, use all the means in your power, that you thought likely to contribute to the discontinuance of the dressing of the statue?—I did every thing in my power to conciliate.

And to prevent the dressing of the statue?—I had nothing to do with that.

Did you try to do all you could, to prevent the dressing of the statue?—I do not recollect that there was any opposition, one way or another, to the dressing or undressing of it at the time.

There was no opposition to the dressing of the statue?—I do not recollect any.

You made none?—I made none.

Who was your under-sheriff?—Mr. George Archer.

Had he ever been under-sheriff before?—I understood he was.

Has he ever been under-sheriff since?—Not that I know.

Sir
George Whiteford.
Fourth Day.
(May 7.)

Who was under-sheriff the year before that?—I think it was a Mr. White.
Do you know of any relation or connection between Mr. White and Mr. Archer?—
I do not; I understand he is a partner.
Who was the sub-sheriff the year before Mr. White?—I do not know.
Do you know who was the sub-sheriff, the year before Mr. Archer?—His brother
I think.
Was Mr. White any relation to Mr. Archer, as well as partner with him?—
Not that I know.
There was first, Mr. White the partner, then Mr. Archer, then his brother?—Yes.
Who succeeded Mr. Archer's brother?—Mr. Whistler.
Is there any connection or relation of Mr. Archer?—Not that I know of.
Did you receive any consideration from Mr. Archer or your sub-sheriff?—None
but the fees that I was entitled to.
No other consideration whatever?—No other.
Did you make any objection to the dressing of the statue?—No.
Have you ever heard, that the Lord Mayor used to parade round the statue of
King William, on the 4th of November, in Dublin?—I have.
Have you ever heard, that the Lord Lieutenant himself used to parade round
the statue of King William, on the 4th of November, in Dublin?—I have.
Have you heard, that the garrison of Dublin used to fire round the statue of
King William, on the 4th of November?—I have.
Are such things observed now?—No.
Then, the honours offered to this monarch, are much on the decline?—
I think so.
Have you heard, in what Lord Lieutenantcy those ceremonies were discontinued,
the firing round the statue, and drawing out the guards?—I do not recollect.
Is it several years ago since they were discontinued?—It is.
Who was the last Lord Lieutenant who did it?—I do not recollect.
How often was the statue dressed subsequent to the departure of His Majesty
from Ireland, and previous to the prohibition on the part of the Lord Mayor?
—I think, shortly after the departure of the King.
How often was it dressed?—I do not recollect.
Was it not dressed on the 12th of July in the subsequent year, and the 4th
of November following; did it not continue to be dressed until the Lord Mayor put
a stop to it in November last?—It did.
Did you ever hear, that any application was made to the Lord Lieutenant,
stating the apprehensions of many of the inhabitants of College Green, from the
riots occasioned by the dressing of the statue?—I did.

Mr. John Twycross called in; and Examined.

Mr.
John Twycross.

What is your name?—John Twycross.
What is your situation in life?—Jeweller and silversmith and goldsmith.
Of Dublin?—Yes.
You represent in the commons the corporation of goldsmiths?—I did, but at
present do not; I did for three years. It is the custom of our guild, for the members
to go out, and four new members to be returned, every third year.
You are a native of England?—I am.
You served upon the grand jury last January?—I did.
Are you an Orangeman?—I am not.
Are you a supporter of what is called Catholic Emancipation?—I should be very
happy if it took place to-morrow, if it could be done with propriety.
What do you mean by its being done with propriety?—That there was that secu-
rity given to secure us from any inroads on our constitution in church and state.
Have you ever signed any petition in favour of them?—To my recollection
I never did.
Is it your opinion, that if it could be granted, with such limitations as would
secure the safety of the constitution, it ought to be granted to Roman Catholics?—
I think it would harmonize society much in Ireland, if it could be done.
Have you ever taken any strong part in the party politics, which distract Dublin
at the present moment?—Never.
You have wished to keep yourself aloof from all those political dissensions?—
Quite so.
And have done so?—I have done so.

In

Mr.
John Teggan.
Fourth Day.
(May 7.)

In the course of the transactions on the grand jury, were there any circumstances that led you to think that there was any partiality shown as to the subject matter that was brought before them?—Not in the least.

Did it appear to you, that there was an anxious wish, conscientiously to discharge the functions of grand jurymen?—Most particularly so by every individual, in my opinion.

Was it by a patient investigation of all the facts that were brought before you?—A most patient and most careful investigation of all the facts.

You have served on other grand juries?—Often.

Was there any thing in the conduct of that grand jury, either towards the witnesses or towards the investigation, which induced a conviction in your mind, that they harboured any degree of partiality on the subject matter submitted to them?—I have not the least doubt there was no partiality shown whatever, but every attention shown to every witness.

Was the finding of the bills according to the unanimous decision of the jury?—Most unanimous; we so declared in open court.

You say you always keep yourself aloof from politics?—Quite so.

You never attended any meeting?—Never.

Never in your life?—Never.

And you would be for Catholic Emancipation if you thought it could be done safely to church and state?—Quite so.

And to all other interests?—Yes.

But you do not think it could be done safely to church and state?—Indeed I do.

Then you are for it at all events?—I am for it, if I thought there could be no inroads made on the church and state; I think there might be such securities given as should secure us from it.

Then you are for Catholic Emancipation absolutely?—I am very much inclined to favour it.

Are there many others of the corporation very much for it?—Indeed I am sure there are.

If they thought it could be done safely to church and state?—Just on that principle I should be happy for it to take place to-morrow.

That is the principle of the majority of the corporation, is it not?—I do not think it is.

There are some that would not like it even if it were quite safe?—I am sure there are a great many, if the church and state could be properly secured and defended; would wish for it to take place immediately.

The majority of the corporation?—No.

Then the majority of the corporation are not for it even if it were quite safe?—If they were convinced it would be quite safe there would be a majority for it.

You agree with that majority?—I agree as to my own particular feelings, I cannot answer for them.

You never served upon a grand jury in England?—Never.

You have a person in your employ of the name of Farrell?—Yes, he worked for me.

When did he cease to work for you?—It was about three weeks ago, I have been here a fortnight or more; about three weeks since he did the last article for me, it might be a month.

Had he worked for you for some time?—About a month I think, he had been employed by me occasionally.

How long had he been employed for you from the first occasion?—I think the first time he worked for me was about three months ago, a little before the riot in the theatre.

Had you taken him into your employment just before that?—He was not in my employ, he came to me and I gave him things to do, and other persons did also.

You have not given him any thing to do lately?—No.

Why have you not?—There is very little to do, and the persons whom I had employed before, I thought had a claim prior to him.

Mr.
John Tugwell.
Fourth Day.
(May 7.)

Mr. Joseph Henry Moore, called in; and Examined.

WHAT is your name?—Joseph Henry Moore.

What is your situation?—A stock broker and agent to an insurance company in Dublin.

Have you been in the habit of serving on Dublin grand juries:—Since 1817 I have.

You were employed by the grand jury to take notes upon the late occasion?—I took notes as well as others of the grand jury, memorandums of the heads of evidence.

Are you in any way connected with any Orange institution?—Not any, nor never was.

Are you competent to answer to such things as passed upon that grand jury?—I have taken an oath of secrecy.

You know the facts?—I am perfectly aware of the facts from having acted in a measure for the foreman.

[The witness was directed to withdraw.]

[The witness was again called in.]

Did you attend to the proceedings of the grand jury with great attention?—Most attentively.

Did it appear that it was the intention of the grand jury, fairly, honourable and impartially to investigate the subject matter submitted to them?—Most decidedly.

Did you see any instance of any witness being brow-beat or attempted to be forced out of the room during his giving evidence?—Certainly not.

How long did you occupy in considering those bills?—Until five o'clock on the first day, when the court sent up to us to know if we had decided. I returned for answer to, I believe, Mr. Riky, that we had not decided; that we should remain there and examine all the witnesses, if it pleased the court, or adjourn, as the court should direct.

Were there a great number of fresh witnesses sworn and sent up to you the second day?—There were.

Do you remember how many witnesses altogether were examined before the grand jury?—That is on public record, I should think; there were twenty-seven, I think.

Was any impediment offered to any witness giving his testimony before the grand jury?—Certainly not; the foreman protected them in every way.

Were the witnesses fully examined to every point which they appeared ready to bear witness to?—The usual routine questions of grand jurors were put to them.

You state that the witnesses were protected by the foreman; did any of the grand jury then conduct themselves towards those witnesses in such a manner as to require protection?—Certainly not; in a multitude of people there may be a multitude of questions.

Was not there a person examined who offered evidence as to the person of one of the rioters, which evidence he was not suffered to give, because he did not know the person of the rioter at the time of the riot having been committed?—That is a secret of the jury, I apprehend.

[The Chairman was directed to report progress, and ask leave to sit again.]

5.

House of Commons.

MINUTES OF EVIDENCE,

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of Dublin.Jovis, 8^o die Maii, 1823.

Sir ROBERT HERON, Baronet, in the Chair.

Henry Handwich, senior, called in; and Examined.

WHAT is your name?—Henry Handwich.

Are you in any way related to Sheriff Thorp?—No, by no means.

Are you the father of the persons who were lately tried by the names of Matthew Handwich and Henry Handwich?—I am.

Are your two sons in any way related to Sheriff Thorp?—No, by no means.

Neither by you nor by their mother?—No; they are in no way related.

Nor by marriage?—No, not by any line; there is another line of the Handwiches; but neither I nor my sons are related to any of the Thorp family.

*H. Handwich sen.*Fifth Day.
(May 2.)*Mr. Joseph Henry Moore*, was called in; and further Examined.

Was not there a person examined, who offered evidence as to the person of one of the rioters, which evidence he was not suffered to give, because he did not know the person of the rioter at the time of the riot having been committed?—I did not understand last night the question so clearly as it is now read; no such thing took place.

*Mr.
J. H. Moore.*

Was there a man of the name of Ryan examined before the grand jury?—

Mr. John Davis, called in; and Examined.

WHAT is your name?—John Davis.

What is your situation in life?—I have been educated in a respectable mercantile establishment; since that I have been much out of the country, on the Continent; I now reside near Dublin, within a few miles of it.

Do you know a person of the name of Addison Hone?—I do.

Is he supposed to be a man of what are called strong political feelings?—I certainly consider him a man coming under the denomination of possessing high political feelings.

*Mr.
John Davis.*

Mr.
John Davis.

Do you recollect being present at any conversation between Addison Hone and Sheriff Thorp?—I do.

Fifth Day.
(May 8.)

Will you state what that conversation was, and when?—I recollect walking with Mr. Addison Hone, I should think some few days, probably three or four, previous to the meeting of the January grand jury. I remember Mr. Hone, having met Mr. Sheriff Thorp, addressing him; he informed him, that he understood Mr. Sheriff Thorp had received a communication from the crown solicitor, relative to this panel. Mr. Sheriff Thorp, without any reply, seemed to affirm that he had, without explaining the nature of that communication. Mr. Hone then observed, that it was not his intention to go on this jury, but that in consequence of that communication, as it was generally well known through the city of Dublin, he now declared his wish to occupy his place on that panel, and requested the sheriff to put him on it. The sheriff replied something synonymous to this, (I cannot recollect his exact words) "that he was considered a party man in the city; that as there were some circumstances of a very particular nature would come before that jury, he was anxious to be free from any appearance of partiality, and under that impression he should not put him on;" I think he added, "that the same would not apply to Mr. Davis, and that he was summoned, and would be on the jury." I think this is the full meaning of what I recollect to have passed at that moment.

What did you conceive the sheriff meant by a party man?—I considered it applied in that sense to Mr. Hone; that he is a gentleman who has avowed his sentiments on the politics of the day; he is considered a high protestant ascendancy man. I believe there is an impression very generally prevailing, that he is an Orangeman; but I have a different sentiment myself, I believe that he is not.

Are you an Orangeman?—No, I am not.

Were you a member of the grand jury?—Of the January grand jury I was.

Do you know of a subscription that was made in the city of Dublin, for the purpose of dressing the statue?—No, certainly not, at that time.

Not at what time?—Not at the time of the dressing of the statue; I was not aware of the circumstance I have since heard, of the circumstance that there was such a thing.

You do not know any thing with regard to that subscription of your own knowledge?—Certainly not.

Did not you say something about the solicitor of the crown, the sheriff, and the panel; do you know any thing about that?—I said, there was a communication, said to exist.

Do you know any thing about it, of your own knowledge?—O certainly not.

The Right Honourable William Plunket, M. P.

Made the following declaration in his place:

*The Right Hon.
William Plunket.*

On communication with the law officers, I determined to have a letter addressed by Mess^{rs} Kemmis to both the Sheriffs, for the purpose of their joining in returning the panel; and that letter, now shown to me, is the letter which was accordingly sent.

[The letter was delivered in and read; and is as follows.]

"Gentlemen,

"Kildare-street, 24th December 1822.

"In pursuance of a communication we have this day received from His Majesty's attorney general, we have the honour to inform you, that, in order to avoid any suspicion of partiality, on the approaching trials at the commission, it is expected that the panels shall be returned by both the sheriffs, as the law requires.

"We have the honour to be, your obedient humble servants.

Tho^s & W^m Kemmis."

"To Charles Thorp and Henry Cooper, esq^{rs}
High Sheriffs of the city of Dublin."

Mr.

Mr. William Carpenter, called in; and Examined.

IS your name William Carpenter?—Yes.

What is your situation in Dublin?—A builder.

Do you know any person of the name of William Poole?—I do.

Did you hear any conversation between him and Sheriff Thorp, a few days before the commission?—I did.

Will you state where it took place, and what it was?—It was in the court-house, in Green-street. Mr. Poole came to Sheriff Thorp, and he told him that he was informed that he was not on the panel; and he said, that he was astonished, as Mr. Thorp had promised him, about six weeks or two months back, to put him on the jury.

Proceed to state the substance of the conversation?—Mr. Thorp told him, that he could not put him on the jury; that the panel had been made out by his brother sheriff and himself. Mr. Poole, some time after, told him, that if he put him on the panel, he would not interfere with the question, which was relative to the theatre, a matter which occurred to the theatre.

Did he state any particular reason for wishing to be on the grand jury?—He did; he mentioned that there was a bill of indictment against a Mr. T. O'Meara, for perjury. I believe he did not mention, at the time, what the nature of the bill of indictment was; but he said he would be able to explain the circumstance to the jury, if he was put upon the panel.

What reply did Sheriff Thorp make?—He told him, that that very circumstance would prevent him from putting him on the panel.

Do you recollect any thing more that passed?—No, I cannot say that I do, at this moment.

When was this conversation between Mr. Poole and Sheriff Thorp?—I think it was about two or three days prior to the jury being sworn for the commission.

Where did it take place?—In the sessions-house, in Green-street.

What corporation do you represent?—The bricklayers and plasterers.

That is the corporation to which Mr. Sheriff Thorp formerly belonged?—Yes.

Do you recollect having made any declarations, with regard to the possibility of bills being sent up to a grand jury, respecting this play-house riot, before you served upon that grand jury?—No, I do not.

Are you quite clear upon that point?—I am.

You never declared, that if such bills had been preferred to a grand jury, they ought to have been thrown out?—Never.

Do you belong to an Orange association?—Yes.

Did you belong to an Orange association at the time that you were sworn as a grand juror?—I did.

Who was present, besides yourself, when Mr. Poole addressed this conversation to Sheriff Thorp?—There was a vast number in the court, but not near us; I was sitting between Sheriff Thorp and Mr. Poole, in the box with Sheriff Thorp.

In what box?—The sheriffs box.

Was there no one else in the box beside you two?—No.

Did Mr. Poole come into the box?—No.

Who was there first then?—Sheriff Thorp and I.

Mr. Poole came in afterwards?—Yes, he did.

When he came in, you sat next to Sheriff Thorp, and he next to you?—Yes.

He spoke across you to Sheriff Thorp?—Yes, he did.

Had you any previous acquaintance with Mr. Poole?—O yes.

Had you been intimate with him?—Tolerably so, as a member of the common council, and sitting in the house.

Did you ever dine with him?—In public I have.

Not in private?—Not in private.

Have you been in the habit of private intimacy or friendship with him?—Nothing more than meeting him in the assembly, and on a committee, and on grand juries.

Is he a man whom you reckon a warm man in politics?—I think so.

An Orangeman?—No.

Of what party do you call him?—Upon my word I do not know what party.

Is he what you call a conciliation man?—I believe so.

*Mr.
W. Carpenter.*
Fifth Day.
(May 8.)

Mr.
W. Carpenter.

Fifth Day.
(May 2.)

You are both members of the common council?—Yes.

Do you often attend the public meetings of the common council?—When I am in the city.

Have you and he been often on the same side at meetings of the common council?—Not on the same side.

You have been divided?—Always.

That made no heat of blood between you?—No.

You agreed perfectly well?—Perfectly well.

Had you more than a common acquaintance with him?—No, nothing more than common acquaintance.

There was no other person whatever by, in the box?—No.

Did not you think it somewhat extraordinary, his holding this conversation with Sheriff Thorpe before you?—No, I did not, at the time.

Have you often heard men talk in this way, to sheriffs, about being put on special juries, and making bargains, what they would do and what they would not?—I have heard men make the request.

Did you ever hear other men make a request to Alderman Thorp?—Never.

To what sheriff have you heard requests made?—I think Mr. White.

What was Mr. White, when this request was made to him?—High-sheriff.

Not under-sheriff?—No.

What was that occasion?—I made a request myself to get a gentleman on the jury.

What was the occasion of your making that request?—He was an Englishman, and had never been on a jury in Dublin, and he wished to get on the grand jury.

Was there any acquaintance of yours under indictment at that time, or threatened with any indictment?—No, there was not.

Was any person, with whom you were acquainted at that time, threatened with any indictment?—No.

Do you mean to state, that this gentleman had no other object to be on the grand jury, except that he wished the distinction of being on it?—No other.

What was the gentleman's name?—Prince.

Was he put on the grand jury by Sheriff White?—He was.

Did you ever mention this conversation, which Mr. Poole addressed to Sheriff Thorpe, to any body else?—I cannot recollect.

Did Poole, soon after he had said this, go out of the box, and leave you two alone, or did you leave him with Sheriff Thorpe?—When he was leaving the box, he told Sheriff Thorpe he had not treated him gentlemanly.

What did Sheriff Thorpe say, when Mr. Poole proposed to have nothing to do with this matter of the riot, if he would put him on; did Sheriff Thorpe make any reply?—He said he could not alter the panel, as it had been made out by his brother sheriff and himself.

He told Sheriff Thorpe he had not treated him gentlemanly, when he went out of the box?—He did.

After he was gone, had you any conversation with Sheriff Thorpe about what had passed?—I had.

What was that conversation?—I mentioned to Mr. Thorpe, he seemed to feel so anxious, "if you possibly could, it will be as well not to have any difference between you and Mr. Poole, if you could put him on the panel;" the circumstance he has mentioned" said he "would prevent my putting him on the panel."

Was that all that passed?—That is all that I can recollect.

Have you any objection to state what oath you take as an Orangeman; do you take an oath as an Orangeman?—I do; I have taken an oath as an Orangeman.

Have you any objection to state what that oath is?—I really do not recollect it, but the principle of it is this; to support the King and Constitution.

Is there any thing else but to support the King and Constitution; do you recollect nothing more?—I do not recollect.

[The witness was directed to withdraw.]

[The witness was again called in.]

Do you recollect when you attended an Orange lodge, how long, before the jury of which you were a member, assembled?—Not for four or five months before that.

Do you conceive that you took any oath or obligation of any kind, which prevents your telling this House the truth, the whole truth, and nothing but the truth?—No.

Have

Mr.
Wm. Carpenter.

Fifth Day.
(May 2.)

Have you taken an oath of secrecy of any kind as a member of the Orange association?—No; I really do not consider the oath a secret one, for I have shown the oath.

Does the oath which you take as a member of the Orange association, bind you to keep any thing secret and what?—It does.

What does it bind you to keep secret?—There are signs among Orangemen which are kept secret.

Does it bind you to conceal nothing but the signs by which Orangemen know each other?—I believe not.

You say you believe not, are you certain it does not?—I do not recollect anything.

Can you take upon yourself to say, it does not bind you to conceal anything else?—I cannot speak positively.

How long have you belonged to an Orange lodge?—I suppose about three years.

You have been on habits of intimacy have you not with Sheriff Thorp?—Sometimes.

Are you a near neighbour of his?—Yes, I live tolerably close to him; I live near the Square and he lives near the Circular Road.

You belong to the same guild with him?—I do.

Were you in the habit of visiting him?—No.

Did Sheriff Thorp know you were an Orangeman?—He had no reason to know that I was one.

Did he know it or not?—I believe not.

What reason have you to believe he did not know it?—The only reason I can assign is this, that Sheriff Thorp is not one to my knowledge, and therefore he could not know whether I was one or not.

The question is not, whether he knew it by a sign from you, but did he know it by report and reputation that you were an Orangeman?—I do not know that.

You did not keep it a secret that you were an Orangeman from your friends and acquaintances did you?—I never made it very public, any thing more than in society.

Did you at the same time keep it secret?—Tolerably so.

Did not your friends and acquaintances know you were an Orangeman, generally speaking?—A great number of them did.

Amongst those friends and acquaintances, Sheriff Thorp was one?—Yes.

What is the number of the Orange lodge of which you are a member?—1640.

Does not the oath you have taken as an Orangeman bind you to be faithful and true to all Orangemen?—It does, and it binds me as well to my brother Roman Catholics.

The oath you have taken binds you to be faithful and true in the first place to all Orangemen?—Yes.

Does the oath contain those words?—I cannot exactly answer that.

Does it contain words to this effect, "I swear to be faithful and true to all Orangemen"?—I believe it does.

You have said that you also swore to be faithful and true to all your Roman Catholic brethren, are you sure the oath contains these words, "I swear to be faithful and true to all Roman Catholics," or words bearing that import?—It is very dear that I think, to the best of my recollection.

You wish the Committee to believe that the same words are applied to Orangemen and Roman Catholics in the oath you have taken?—No, I do not think they are exactly the same words.

Are they words of the same meaning?—No.

Do not you recollect that you just now said that they were very nearly the same?

—It is really so long since I have taken the obligation that I do not recollect the words.

You are not asked the words but the general meaning of that which you bound yourself to by an oath; you have used the words "my Roman Catholic Brethren, will you say that the oath contains the words "Roman Catholic Brethren"?—The word "Roman Catholic" is in the obligation.

Will you state that the word "Roman Catholic" has in the oath any friendly application to the Roman Catholics in the same way as when it is applied to Orangemen?—Not in the same way, but it is in a friendly way in the oath.

Does the oath contain any thing else about Roman Catholics?—I do not recollect.

Does the oath not contain an express declaration, that the person taking it is not, and never was, a Roman Catholic?—It does.

Mr.
Wm. Carpenter.
Fifth Day.
(May 8.)

Do you wish the Committee to believe that it contained two paragraphs relating to Roman Catholics, one binding those who took it, to be friendly and just to Roman Catholics, and another, declaring that the person taking the oath never was and is not now a Roman Catholic. Are Roman Catholics once mentioned or twice mentioned in the oath?—I do not recollect.

How came you to tell the Committee that the oath bound you to be faithful and true to your Roman Catholic brethren as well as to the Orangemen?—I stated the matter in the best of my recollection.

Your recollection at that period was different from your recollection at the present was it?—It must be.

You recollected five minutes ago that you had sworn to bear friendship towards Roman Catholics, and now you recollected only to have sworn to disavow and disclaim being a Roman Catholic, how do you reconcile both those statements.

[The witness was directed to withdraw.]

[The witness was again called in, and the question was proposed.]

In admitting members into the lodge, they must swear that they never were Roman Catholics; that is what I alluded to.

You know some of your brother Orangemen of course, by having seen them at lodges, and by the marks by which they recognize each other; do you know by any of those means or any other, how many Orangemen were among the fourteen common councilmen who served on the commission grand Jury last January?—There was one to my own knowledge.

Will you name that one?—A Mr. Cusack.

Was there no other to your knowledge of the fourteen who was an Orangeman?—If I had the list, I perhaps could state.

Do you know whether Joseph Lamprey was an Orangeman?—I never knew him as one.

Have you any reason to believe that he was?—I have heard so.

Do you believe that he was?—I do.

Do you know whether Samuel Lamprey was?—I have no reason to think that he was one.

Have you ever heard that Samuel Lamprey was an Orangeman?—I do not know the distinction between the two men.

Do you believe that one of them is an Orangeman?—Yes.

Is that the present sheriff elect of the city of Dublin?—I believe it is.

Have you any reason to believe or have you ever heard that the other is an Orangeman?—No, I have never heard it.

Christopher Graham?—No.

Do you mean by no, that you know that he is not an Orangeman, or that you do not know that he is?—I never heard that he was.

With respect to Lamprey and Graham how long have you known them as common councilmen in the city of Dublin?—Mr. Graham is a new member.

Have you ever seen him take a part in political disputes and debates in the common council?—Never.

Do you know Samuel Warren to be an Orangeman?—I do not.

Have you ever heard that he was an Orangeman?—No, I have not.

Do you know any thing of his political conduct in the common council in the city of Dublin?—Does it mean in the house; no, I never heard him speak there.

How did he vote on questions relating to the prohibition of dressing the statute on the 5th of November?—I was not there.

Do you know Luke Conner?—I do.

Do you know whether he was an Orangeman or not?—I do not know him to be one.

Is he what is commonly called a Protestant ascendancy man?—Yes, I believe he is.

Are the two Lampreys, Graham and Warren what are commonly called Protestant ascendancy men also?—I do not know much about Graham at all, I have been but once or twice in his company.

Are the others such as have been called Protestant ascendancy men?—I have been in company with them when they have drank the glorious memory.

Do

671
*Mr.
 Wm. Carpenter.
 Fifth Day.
 (May 8.)*

Do not you consider that of late, as the mark of a warm Protestant ascendancy man?—As long as I have been in the corporation it has been the usual toast, what I called the charter toast.

In the course of the disputes of last winter should you suppose that any man but a pretty warm Protestant ascendancy man would propose that toast?—I have heard it given repeatedly in public society.

Have you by others but Protestant ascendancy men?—I have heard it given by a member of this House, Mr. Ellis.

When did Mr. Ellis give that toast last?—I do not recollect the time.

You do not recollect whether it was since the 5th of November last?—I cannot tell.

Were you at Mr. Sheriff Thorp's dinner?—Yes.

You heard the glorious memory drank on that occasion?—Yes.

Given by Mr. Sheriff Thorp?—Yes.

Did you hear Mr. Sheriff Thorp's speech on proposing that toast?—Oh, I believe I did.

Can you mention any of the more striking parts of the speech, the more remarkable passages?—He gave them in the usual way.

What do you mean by the usual way?—The glorious, pious and immortal memory of the great and good King William.

Do you recollect what Sheriff Thorp said in his speech?—I was a considerable distance from Sheriff Thorp on the day of the dinner and I could scarcely hear him.

Is Mr. George Holmes an Orangeman to your knowledge?—Not to my knowledge.

Do you believe him to be so?—I have no reason to believe him so.

Do you consider him to be a warm Protestant ascendancy man?—No, I do not.

Is he of the opposite party the conciliation men as they are called?—Upon my word I do not know.

Do you know whether Mr. John Foster is an Orangeman?—I do not know.

Or a Protestant ascendancy man?—He would certainly drink that.

Mr. John Stephens, do you know whether he is an Orangeman or not?—I do not know.

Is he a Protestant ascendancy man?—He would drink the toast.

Is Mr. Joseph Moore a Protestant ascendancy man?—He is.

Is he an Orangeman?—Not to my knowledge.

Is Mr. Perrin an Orangeman?—I do not know.

Is he a Protestant ascendancy man?—Yes.

Is Mr. John Davis a Protestant ascendancy man?—Yes, I consider so.

And Mr. Andrew Woods?—Yes.

Will you state whether you are aware that there is any thing in the oath taken by an Orangeman, that has not been published over and over again?—It has frequently been.

Has there been any thing in any oath to your knowledge, taken by an Orangeman that has been withheld from publication repeatedly?—No.

Are any contributions of money collected in your lodge, or any quarterly payments made?—Nothing more to my knowledge than what pays for the expense of the night, what is drunk.

Do you think that any saving could be effected in those expenses?—No; I do not indeed.

You were understood to say you had been present at Sheriff Thorp's dinner, when Sheriff Thorp's health was drank, did he make a speech to the persons present?—He did.

What was the purport of that speech?—I do not recollect indeed.

Did you hear the speech?—I did; I heard him speak.

What was the purport of that speech; did Sheriff Thorp in that speech pledge himself to pursue any line of conduct during his shrievalty?—To the best of my recollection he did.

What was the line of conduct he pledged himself to pursue during his shrievalty?—I really do not recollect what the words were.

You mean to say that Mr. Sheriff Thorp pledged himself to pursue a line of conduct during his shrievalty, and you do not recollect what that line of conduct was?—The only part that I recollect was, that he pledged himself to give the glorious memory.

Mr.
Wm. Carpenter.

Fifth Day.
(May 3.)

Do you recollect whether Mr. Sheriff Thorp pledged himself during his shew-
ally to act up to the opinions of those who had made him sheriff?—I believe
he did.

Whom do you consider that Sheriff Thorp meant by those who had made him
sheriff?—The Commons.

What particular party in the common council did you suppose Mr. Sheriff
Thorp meant?—What is commonly called the glorious memory men.

Were you rightly understood that the day on which you represent yourself to
have heard the conversation between Mr. Poole and Sheriff Thorp was three days
before the panel was sworn?—As nearly I can recollect.

Did you go that day with Sheriff Thorp to the sessions-house?—I did not.

Did you know on that day that you were on the panel yourself?—I did.

How many days had you known it?—I think to the best of my knowledge about
two days.

Who had told you of it?—I had got a summons.

That was the first way of your knowing it?—Yes.

Had you seen the panel?—Never.

Then this conversation with Sheriff Thorp occurred about three days before the
commission, and you had received your summons about two days before that, so
that you received your summons five days before the grand jury was sworn?—I dare
say about that time.

Did any conversation take place between you and Sheriff Thorp at that time
respecting the formation of the panel?—No.

Did Sheriff Thorp express to you at that time any expectation regarding the
trials that were coming on as to the event?—We had no conversation on that.

You stated that in the conversation that Mr. Poole had with Sheriff Thorp, he
said he would not interfere if he put him on the jury; what did you mean by that
expression?—What he meant by that was, there were bills of indictment against
those persons for rioting in the theatre, and that was what Mr. Poole alluded to,
that he said he would not vote upon that.

That he would not vote upon those bills of indictment?—On that bill.

What was the name of the person who summoned you, if you know him?—I do
not know, the man who usually summons, is I believe, a man of the name of Goldie,
the summons was left at my place.

Do you consider yourself bound by any oath which you have taken as an Orange-
man, to conceal any evidence you have in your power to give to this Committee?—
Certainly not.

Was the summons you received sealed or open?—Open.

Was there any subscription in your lodge, for the subsistence of the traversers,
the men who were to be tried under this indictment?—Not to my knowledge.

You paid nothing?—No.

How many members have you in your lodge?—I really do not know; it is some
time since I attended the lodge; at the time I attended, there were perhaps about
five-and-twenty or thirty.

Did you ever hear of any subscriptions among the Orange lodges in Dublin, for
the support of the traversers?—I did, I heard of it.

What is your mode of meeting; do you meet by summons?—Yes.

What are the toasts given?—"The King" is generally the first toast; and then
"The Duke of York," and "The Duke of Clarence and the Navy."

And the usual toast of "King William"?—Yes.

State any other?—I really do not recollect.

You drink the usual toast, "The glorious Memory"?—Yes.

You say, you have heard of subscriptions in Dublin, for the support of the
traversers?—By report.

Do you know, whether there was any such subscription at your lodge?—I do not.

Do you mean to say you do not know that there was not, or that you do not
know one way or another?—I do not know any thing about it.

Were you ever applied to to subscribe?—No.

Did you ever subscribe?—Nothing, not a halfpenny.

Are you what is called a purple man?—I know so little about it, that I do not
know what they call it.

A purple man is the highest degree in the lodge; is it not?—Upon my word, I do
not know.

Who

673

Who is master of your lodge?—At the time that I was invited, it was a Mr. Stoker.

Do you know who is now?—I do not.

Did not you state that Mr. William Poole was a conciliation man?—Yes.

Do you know what induced Poole to say he would take no part against the rioters, on the inquisition, provided he was left on the panel?—Yes; he mentioned the reason, that there was a bill of indictment against Mr. O'Meara.

Do you know what induced Poole, a conciliation man, to hold out an offer to Sheriff Thorp, that if he was left on the panel, he would give no vote as to the rioters at the theatre?—The only reason which I know is, that Mr. Poole has differed with the majority a good deal, in the commons; and that perhaps Mr. Thorp might think that if he was on the jury, there would be a difference.

On what account would that difference be?—That I do not know.

Did Sheriff Thorp, when this offer was made by Poole, of not interfering with the rioters at the theatre, express any surprise or indignation?—He did; for he told him that would be the very means of preventing him from putting him on the panel.

You stated, once, that the reason that Sheriff Thorp gave for not putting him on the panel was, that he offered himself on account of his friend Mr. O'Meara; was that the sole reason that Sheriff Thorp gave for not admitting him on the panel, that he offered himself on behalf of his friend O'Meara?—That was what Mr. Poole said was his reason for wishing to be on the panel.

Did Sheriff Thorp say, that was the reason why he should not be on the panel, because he offered himself on behalf of his friend Mr. O'Meara?—Yes, he told him so.

Was that the only reason he gave, why he should not be on the panel?—That was all I heard.

What do you mean by a protestant ascendancy man; do you mean by a protestant ascendancy man, a man who drinks "The glorious memory"?—Yes; that is all I know of it.

You do not mean a man belonging to any association?—No.

How long have you been an Orangeman?—About three years.

How many times have you attended their meetings?—Perhaps not more than six or eight meetings.

Did you take any part in the corporation about dressing the statue?—No I did not.

How long have you been in the corporation?—Going on seven years.

Is a protestant ascendancy man, a man of stronger political feelings, than a simple protestant.

[The Chairman was directed to report Progress, and ask leave to sit again.]

Mr.
Wm. Carpenter.
Fifth Day.
(May 8.)

6.

House of Commons.

MINUTES OF EVIDENCE,

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of *Dublin*.

Veneris, 9^o die Maii, 1823.

Sir ROBERT HERON, in the Chair.

Mr. JOHN JACKSON, called in; and Examined.

WHAT is your situation?—A jeweller and Tunbridge warehouseman, in Grafton-street, Dublin.

Do you recollect being present at any party, at the house of Mr. Sibthorpe?—I do.

Do you recollect when it was?—The 17th of December.

You recollect of whom the company consisted?—I do.

Will you name them?—There was Mr. Sibthorpe junior, Mrs. Sibthorpe, Miss Sarah Sibthorpe, Mr. Thomas Sibthorpe, Sheriff Thorp, Mrs. Thorp, William Graham, and myself, and John McConnell.

Were you there the whole time that John McConnell was present in the room?—I was.

Did you hear Sheriff Thorp make use of the expressions, that he had an Orange panel in his pocket, or any words to that effect?—I did not.

Do you think that any such expression could have been made use of in the company, in the same tone of voice that conversation is usually held in, without your having heard it?—I am sure it could not, unless it was in a whisper.

Are you confident that if such an expression had been made use of, it would have attracted your attention?—Most undoubtedly it would.

Then you are very confident that no such expression was made use of in that room, that night, as long as you were there?—Perfectly so.

Did Sheriff Thorp talk any thing about the forming of a jury or a panel, or any thing else of the kind?—Not a word on the subject.

Were you, for the most time, tolerably near Sheriff Thorp?—Very near him.

Do you suppose, you or McConnell was nearest?—I was.

Then, do you suppose McConnell could have heard any expression, which you did not?—I am sure he could not.

At what time did this party begin in the evening?—About half past eight; it was not a set party.

How long did you remain at Mr. Sibthorpe's?—Till about half past eleven o'clock.

Do you mean to say, that for all those hours you sat nearer Sheriff Thorp than McConnell did?—I mean to assert it.

308.

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Did

677

Mr.
John Jackson.
Sixth Day.
(May 9.)

Mr.
John Jackson.

Sixth Day.
(May 9.)

Did you never leave your chair?—I did; I stood part of the time, and sat during part of the time.

Did you stand or sit in the same place, during all those hours?—No.

Did M^r Connell stand or sit in the same place, during all those hours?—No.

Do you mean to say, that during the whole evening, you either sat or stood nearer Mr. Sheriff Thorp than M^r Connell?—Yes.

You mean, your credit should rest upon that?—It shall.

What sized room was it?—A small room; I should fancy, as nearly as I can calculate by the eye, about twelve by thirteen feet.

Were there cards playing in this room?—Some part of the night.

Did you play at cards?—I did.

Did Mr. Sheriff Thorp play with the card party?—He did.

What is the game?—Five and ten, as it is called.

Could you make it more intelligible?—If I had an opportunity, I would teach it you.

Is it a round game?—No, it is not a round game.

How many composed the party playing at that game?—I believe six.

Did you and Mr. Sheriff Thorp form two of those six, during the whole time that game was playing?—We did.

There was no change of parties at all?—None.

Do you mean to say that you heard every syllable that Sheriff Thorp uttered on that night?—I am very certain I heard all that could have been said, unless it was whispered.

Do you mean to say, that you attended to every syllable that passed from Sheriff Thorp's lips that night?—Not minutely.

Might not several things have been uttered by Sheriff Thorp that you did not attend to?—I do not think it is possible.

There were a great many persons there; ten, were not there?—Nine.

The ladies talked as they usually do, pretty loud?—Most undoubtedly.

The ladies took part in the conversation?—The ladies took no part in it.

Did not the ladies talk with you?—The ladies formed a party by themselves.

Do you mean to say there was no general conversation among the ladies and gentlemen during the time that you were there?—I do mean to say so.

Where were the ladies situated?—The room being so small they had not much choice of room.

Were they at anytime, during the three hours, mixed with the gentlemen?—Not exactly so.

Were they unmixed?—They were sitting somewhat apart from the gentlemen.

The ladies all apart in one part of the room and the gentlemen all in another part of the room, was that so?—It was so.

Did any ladies play at cards?—Not that night.

How many ladies were there of the party?—Three.

Did the card playing continue from the moment you got there till the end of the night?—No.

During the interval that there was no card-playing, do you mean to say that none of the gentlemen intermixed and talked with the ladies?—Not particularly.

During the intervals of card-playing, did not the gentlemen and ladies mix and talk, as usual at other parties?—The ladies, as I observed, were talking apart.

Do you mean now to aver, that during the whole of those three hours, the gentlemen and ladies did at no time intermix and converse together?—In the latter part of it.

Then during that latter part, when they so intermixed, did you attend to every word said by Sheriff Thorp?—I sat so near to him, that he could have said nothing I did not hear.

That was during your standing part?—And during the time I sat too.

Then you mean to say, that you stood and sat so near Sheriff Thorp the whole evening, you must have heard every word he said?—I do mean to say so.

Such a remarkable expression as that, must have attracted your attention, if it had been made use of?—Most undoubtedly it would.

That is, if you heard that remarkable sentiment, it would have attracted your attention?—I feel very conscious, that no one could have heard it.

If you had heard that remarkable expression, it would have attracted your attention?—Most assuredly it would.

If you had not heard it, it needs no prophet to say, it could not have attracted your attention?—Certainly not.

Was

Was there any conversation whatever respecting the trials about to come on?—It could not be possible.

Why not?—It was not known, whether the trials would commence or not, at that period.

Was there no conversation at all about the riot?—There was.

Did Sheriff Thorp take any part in it?—He did.

Did you bear him utter any sentiment of approbation, or of commendation of what had been done?—I did not.

Did you hear him say any thing about Marquess Wellesley?—Not a word.

Did you hear any body say a word about Marquess Wellesley?—Not one person.

Do you recollect holding the knave of clubs in your hand?—I did not, on that occasion.

Do you know any body who did on that occasion?—I do.

Do you recollect his playing it?—I do.

What did he say?—He made a reflection upon the lord mayor.

State it?—I believe it was tantamount to damning the lord mayor, as nearly as I can recollect; but the precise words I cannot recollect.

Did he not go any further?—I cannot recollect.

Did he express no wish to perform any ceremony upon the lord mayor?—I cannot recollect.

Do not you recollect, that some person said "I wish I could have a lick at him?"—I do not recollect that part.

Such an expression could not have been uttered without your hearing it, of course?—I should think not.

Are not you certain of it?—I might not have been attending to what he was saying.

Is there any thing peculiar in Sheriff Thorp's voice, that attracts your attention, or strikes your ear more than that of another man?—Not at all.

This was a small room?—Yes.

You must have been as near to the man, who uttered this pious wish for the lord mayor, as to Sheriff Thorp?—I was so near, there was only one between us.

You could have heard through him?—Not exactly through him.

You are not quite sure, whether that expression might be uttered by this person without your hearing it?—I think it not probable.

Do you think it possible?—I think not.

Why did not you state that at first?—If I had understood the question, as you have now put it, I would.

You did not understand the question?—No, not precisely.

In what way did you understand the question?—That it was meant to confuse me.

What sized man was he who used that expression; a tall man or a short man?—Short.

What was his name?—William Graham.

Do you remember any one reminding him that he was a short man?—No.

Did any lady remind him that he was a very little man?—I believe I do remember an expression of that import.

What did the lady say?—That she thought his expression was very extraordinary for a man of his stature to make use of, respecting the lord mayor.

Was it extraordinary that a little man should damn the lord mayor, more than a tall one?—I do not think it was.

Did you suppose it was to that part of his expression she alluded, when she said it was extraordinary a little man should use that expression?—I cannot say as to her motive.

You really think it was to that part of his expression she alluded?—I do.

You heard no more than "damn the lord mayor?"—I do not positively assert he said no more.

But you did not hear any more?—Not that I recollect.

Did you go to the door with Sheriff Thorp, when he went away?—No, I did not.

You never heard him say a word about Lord Wellesley, the whole of that evening?—I did not.

Are you well acquainted with him?—Not intimately.

Do you know whether he is an Orangeman?—I cannot say.

Are you one?—No.

308.

Are

Mr.
John Jackson.
South Dept.
(May 9.)

Mr.
John Jackson.
Sixth Day.
(May 9)

Are you a corporator?—No.

What is your way of thinking of these things in Dublin; are you a conciliation man, or a Protestant ascendancy man, or a purple man, or what?—I am in favour of Protestant ascendancy.

Decidedly so?—Moderately so.

How many persons were there in this company?—Nine.

Including ladies?—Including three ladies.

Including yourself?—Yes.

They were there for three hours?—I cannot say precisely as to the time.

Were you there when Sheriff Thorp came in?—I was.

You had been there before him?—A little time; a very short period.

Were you there when he went away?—I was.

And remained after him?—I did.

During this time, was there a good deal of conversation among the company you have mentioned?—Not any thing extraordinary; after the card playing commenced the conversation was diversified, and those that were playing at cards had not so much leisure for conversation as those that were not.

How long did you sit chatting before you began card-playing?—I cannot say exactly.

About how long?—It might be fifteen or twenty minutes.

You only sat fifteen or twenty minutes, and then you fell to?—We sat down to play cards.

You fell to your business; how were you assembled before the card playing?—In different parts of the room.

Was it for the purpose of card-playing you assembled there?—No.

For what did you assemble there?—To pay a visit to an infirm old friend.

You no sooner had gone there, and were in the room paying your visit, than you began playing at cards?—With the interval, as I said before, of about fifteen or twenty minutes.

Were you there about fifteen or twenty minutes with the rest of the company, including Sheriff Thorp, before the card-playing began?—Yes.

In that part of the evening were the gentlemen and ladies mixed together in that part of the room?—In the first part of the evening the ladies were in as distant a part of the room as the room would admit of, conversing, about what matters I cannot tell, I suppose such matters as ladies usually have to talk about.

You six were together at the other end of the room?—In the centre of the room.

All together in a knot?—We were not tied up.

Were you asked whether you were tied up; do you suppose you do yourself credit by that answer?—By no means.

Do you know the House you are in?—I know it is the first House in the world.

Were you in a knot in the middle of the room, six of you together?—No.

How were you distributed?—Sitting beside each other.

Near to each other?—Very near to each other.

Conversing together?—Occasionally.

During that time that you were all sitting together, conversing together occasionally, was Sheriff Thorp, or not, among you?—He was sitting next to myself with one person intervening.

During the whole of the fifteen or twenty minutes?—When we were sitting at cards, I am speaking of.

The question refers to the time before the cards began, during the fifteen or twenty minutes before the cards began; were you, during that time, together in a knot conversing?—No.

How were you distributed during that time?—Mr. Thorp was standing at the right hand side of the parlour, Mr. Graham next to him, and I was standing next to Graham.

Did you retain those positions during the whole time, till the card-playing commenced?—No; only a short time prior to the card-playing.

Did you remain in those relative positions the whole of the period before the card-playing commenced?—Not exactly.

Did you change your positions?—Yes, I did a little; I took a step or two in the room.

You might have taken a step or two so as to be further off from Mr. Thorp?—Yes.

During

During the whole of the time, are you certain there was no person, except Mr. Graham, between you and Mr. Sheriff Thorp?—No, there was no one.

You take upon yourself to say, positively, that nobody was ever between you and the sheriff, except Mr. Graham?—Not during the interval prior to the card-playing; I do mean to say that.

What called your attention particularly to that night, and to your relative position?—From a question I merely asked of Graham, relative to the transactions at the theatre.

What was that question?—I asked him if it was a fact, as had been reported, that a bottle was thrown; and his answer I do not precisely recollect.

How did that call your particular attention to the relative position of the six men, during the whole time before the card-playing began?—Chiefly from my recollection of asking the question respecting the bottle, which I thought a very improbable circumstance.

What connexion had that with the relative position of all you six, who were all in a cluster together?—None, otherwise but that they made a strong impression upon my mind.

Did your having asked that question, fix in your memory the better than it otherwise would have been fixed, the relative situation of you six men?—It did fix it.

By what process did it fix it in your attention, and in your memory?—If the circumstances had occurred, which I am very loth to believe, I should have felt my feelings hurt, that such a circumstance could have occurred; that such conduct could have been pursued towards His Excellency.

What connexion had the circumstance of the bottle, and your feelings, and your being hurt, with the situation in which you were then standing, in your sick friend's room?—I recollect well the position of two other persons in the room as well.

How do you happen so particularly to recollect their positions?—They were standing with their backs against the piano.

How do you happen to recollect that so particularly?—From an expression that M'Connell made use of.

When, that night?—Yes.

What was it?—He made use of some gross reflexion upon the misconduct of those that were termed the rioters at the theatre.

When you sat down to cards, who sat opposite to you?—No one.

Who sat on your right?—Graham immediately.

Who on your left?—Thomas Sibthorpe.

Who next to Graham?—Mr. Sheriff Thorp on the right of Graham.

Who sat next Sibthorpe?—M'Connell.

Who sat next him?—I do not recollect.

Did you take a note of this, after you went home?—No.

You made no memorandum?—No.

When you had this conversation before the card playing began, did each person speak one at a time, and no other person at the same moment?—It frequently occurred that there were several speaking at the same time.

Had you your attention constantly fixed on Sheriff Thorp, and nobody else?—No, I did not consider that Sheriff Thorp was necessary to be attended to, more than any other.

You did not attend more to what Sheriff Thorp said, than to what every other person said?—I did not.

Will you take upon you to say, that Sheriff Thorp never spoke during that time, at the same time that another person was speaking?—I cannot undertake to say that.

If Sheriff Thorp, and another person might happen to speak at the same time, you cannot undertake to say, that you did not attend to the other, and not to Sheriff Thorp?—I can undertake to say there was no connected conversation.

A desultory conversation?—Yes.

More than one speaking at a time?—Yes.

You had not your attention particularly directed to Sheriff Thorp?—I had not my attention directed to him more than others.

How long was it after this evening, that you heard M'Connell had stated such an expression to be used at Mr. Sibthorpe's, as has been put to you?—I cannot answer correctly as to that.

Was it a month?—A very few days.

A week?—No.

Mr.
John Jackson.

Sixth Day.
(May 9.)

Less than that?—I am confident it was less than a week.

This transaction took place in the month of January, did it?—December.

Can you name any six persons, and the order in which they sat, at any one party, at which you were during the month of December, January, or up to the present time?—Is it relative to that company?

You have been in various other companies, both before and since that time?—I go very little into company.

Have you been in company, consisting of six or nine persons, since that time?—Probably, but I cannot recollect.

Try and recollect whether you have not been in a company, consisting of nine persons, since that period?—I can answer for since I came to London.

For the next three months after that time were you in any society consisting of six persons?—Not to my recollection.

Will you undertake to say you were not?—I will not.

Will you undertake to name any six persons, and the order, in which they sat or stood, at any one party, in which you have been, except this?—My recollection will not serve me for that purpose.

Did you pay more attention to Sheriff Thorp than to any other person in the room, during that evening?—No, I did not.

You paid as much attention to every other person as to him?—I did.

Will you take upon you to say, that no person in the room, during that evening, could have said any thing without your hearing it?—I think it is utterly out of the question; I think it is impossible.

Did not you hear the Lord Lieutenant's name made use of?—I did not.

Did you not hear some person say, "I wish the devil had the Marquess Wellesley?"—I did not.

You heard, within a few days after you had been in this company, that it had been stated by this person, of the name of M'Connell, that Sheriff Thorp should have made this declaration about his having the Orange panel in his pocket?—I did learn it, in a very few days after.

Was that circumstance in itself sufficient to attract your attention more particularly to the situation of that company, than any ordinary company you might chance to have been in before or since?—It was not.

Do you mean to say, that that circumstance was not calculated to direct your attention more to the situation of the different members of that company, than any other company you have been in before or since?—I do mean to say so.

That you had, from that circumstance, a more particular recollection of the relative situation of the company, than you would have had of any other company into which your attention was not so directed?—I cannot say that that made any difference.

You have stated, that a few days after you were in this company, you heard that a man of the name of M'Connell had stated, that Sheriff Thorp had said, in that company, that he had an Orange panel in his pocket; might your having heard that M'Connell had made such an allegation, more particularly call your attention to the relative situation of the people that were in that company, than it would otherwise have been?—It did.

Did that tend to call your attention more particularly to all that had passed in that company?—It led me to endeavour to recollect more minutely than I otherwise should have thought necessary.

When you say that you recollect every thing that passed that evening in conversation, do you confine your observation to what passed on political subjects?—The conversation on political subjects I consider as so very trivial, that it made no peculiar impression upon my mind.

Who commenced the conversation about the riot at the theatre?—I cannot answer that.

Can you state who took part in it?—I took part in it.

Who else?—Sheriff Thorp and Graham first commenced a conversation upon that head.

Then it is in consequence of your recollection of those parties who took part in the conversation, that you recollect the relative situation in which you were at the time the conversation took place?—I am somewhat at a loss to answer the question.

You stated the position in which Sheriff Thorp and Graham and yourself stood, at the time of the conversation about throwing the bottle taking place, does that circumstance bring to your recollection the position in which you stood?—The circumstance

Mr.
John Jacobus

Sixth Day.
(May 9)

circumstance that led me to recollect the position precisely, was myself listening or wishing to listen to the representation of the conduct of those persons in the theatre; I had heard it spoken of previously, but I thought I should then learn a more particular account, and that was what led me to it.

What was the gross expression, relative to the conduct or misconduct of the rioters, that M^cConnell made use of?—I do not recollect any that M^cConnell made use of.

What was the gross reflection that he made use of?—I do not recollect it; but I considered it so at the time.

What was the question you asked Graham respecting the rioters?—Whether a bottle had been thrown.

What was Graham's answer?—I think he said not; that it had not, been thrown.

Are you certain, he said it had not?—I will not take upon myself to assert.

How happens it, that you forget the gross expression made use of by M^cConnell; you are not certain to the answer of Graham; and yet, are sure you recollect every expression made use of by Sheriff Thorp, during the evening?—I am not certain to every expression.

Did you come into the room with Sheriff Thorp?—No.

Did you precede, or follow him?—I preceded him, I rather think; I am not certain on that head.

But you have an accurate recollection of every thing that he said?—I do not profess to say that I have.

Did you leave the room before Sheriff Thorp?—No, after him.

You are not certain, whether Sheriff Thorp was in the room when you arrived there, or whether you were there first yourself?—I think he was.

You think Sheriff Thorp was there first?—I am pretty sure he was.

You are pretty sure he was there when you arrived?—Yes.

How long he had been there before you, you do not know?—I cannot say.

Was Mr. M^cConnell there before your arrival?—No.

Are you sure of that?—Yes.

Are you now as sure Mr. M^cConnell came into the room after you, as you were about a quarter of an hour ago, that Sheriff Thorp came into the room after you?—I did not think it of consequence to ascertain whether it was the case or not.

Then, having forgotten the gross expression used by M^cConnell, and having forgotten the precise answer to your question, respecting Graham, how does it happen, that your reason for recollecting the positions of the different persons in that room; was M^cConnell's gross expression, and your question about Graham?—At the time, I was informed of M^cConnell's giving the information that was stated to me, I endeavoured to recollect as minutely as memory would serve me, the relative position of every person, and as much of the conversation as I could recall to mind.

You never attempted to recollect the answer to the question about Graham, or the gross expression of M^cConnell?—The answer of Graham about the bottle, was as I said before, that it was not thrown.

Are you sure he said it was not thrown?—I am sure.

How long have you been sure that he said it was not thrown?—Ever since he made use of the expression.

Have you ever been uncertain whether he said yes, or no, in answer to your question?—Never.

Neither now nor at any former period?—No.

That was your reason for recollecting now so particularly the relative positions of the persons in that group of six, the conversation that took place two days after that, respecting M^cConnell's story of what Sheriff Thorp said to him?—I have no reason for subsequently recollecting more than I should at the moment, when the conversation occurred.

Then, is your reason for now recollecting so accurately the position of different persons, at that time, was the conversation which you had two days after that time, respecting what passed between Sheriff Thorp and M^cConnell?—The reason was, I was shocked at the conduct of M^cConnell, in making use of expressions that never occurred.

Which expressions you have now forgotten?—I allude to the information, I ought to have said, that M^cConnell had given, respecting the conversation that night.

Then M^cConnell did not make use of any expressions that night?—Only such as I considered as applicable to Graham.

Mr.
John Jackson.
Sixth Day.
(May 9.)

And those you forget?—I cannot recollect precisely; I considered, at that moment, that it was a gross expression.

Did you go away before Sheriff Thorp left the party?—After.

Who went away with you?—I think Graham and Mc'Connell and myself, went out at the hall door nearly at the same time.

Did Sheriff Thorp go away alone, or any body with him?—His wife was with him.

You stated, at the early part of your examination, that you did not recollect the answer that Graham gave to your question; you have subsequently stated, that you do precisely recollect what that answer was; in which of those answers of yours do you adhere; do you, or do you not, recollect what Graham's answer was?—That the bottle had not been thrown.

You mean to say, you do precisely recollect that that was the answer?—I do.

Then why did you state, at the commencement of your examination, that you did not recollect what that answer was?—If I said so, I must have had made a mistake; I did not intend it.

If you do not recollect his expression, which you call a gross one, why do you term it a gross reflection?—If I might be allowed to answer in a general way, I would prefer to forget all gross expressions.

Why do you term this a gross reflection, you not recollecting what the expression was?—A gross expression.

What made you term it a gross expression?—I consider all expressions gross, that are not grammatically correct, for instance.

Is that the answer you mean to stick by?—It is not a good one, but it is for want of recollecting a better.

Do you mean to say, that your credit is to rest upon the credit due to that answer?—By no means.

Was Graham the man accused of throwing the bottle?—No.

Did you hear Graham say where he sat on the night of the playhouse riot?—No, I did not.

Was not Graham accused of circulating hand-bills in the pit?—I understand so.

If Sheriff Thorp made use of the expression, that he had an Orange panel in his pocket, should you have considered that a gross expression?—I should indeed.

Do you adhere to the opinion, that you heard, and that having heard, you must have recollected every expression made use of in that company?—I do not mean to say that I could recollect all the expressions made use of in that company.

Mr. William Graham, called in; and Examined.

Mr.
William Graham.

WHAT is your situation in life?—A printer.

Were you in company at Mr. Sibthorpe's, shortly after the riot took place at the theatre?—I was.

Do you recollect when it was?—I do.

State to the Committee the time?—On the 17th of December.

Do you recollect who the company consisted of?—I do.

Mention them?—Mr. Sibthorpe's family, myself, a Mr. Jackson, a Mr. Mc'Connell, and Mr. Sheriff Thorp and his lady.

Do you recollect how many there were of Mr. Sibthorpe's family?—The family present consisted of four.

Were you or Sheriff Thorp in the room first?—Mr. Sheriff Thorp.

He was in the room before you?—Yes, he was.

Long?—I cannot say how long.

Was Mc'Connell or you in the company first?—I believe I was.

Do you recollect how the company were situate when you came in; what were they doing?—To the best of my recollection, the ladies were sitting at the fire, to the right, as I entered.

Where were the gentlemen?—Mr. Sibthorpe at the opposite corner of the fire, and the others at the table, I think.

Was it at tea-table, or not?—No, there was no tea.

What was the size of the room, do you suppose?—A small room; I suppose about the distance from this to the table; not much wider than from this to the table.

Do you recollect Sheriff Thorp making use of any expression in your hearing relative to the panel of a jury?—No.

Do

Mr.
Wm. Graham.
Sixth Day.
(May 9.)

Do you think that if any such expression had been made use of in your presence, it would have attracted your notice?—I should think so.

Are you very certain that no such expression was made use of by Sheriff Thorp, in your hearing?—Certainly not in my hearing.

Do you think that if it had been made use of, in the common tone of conversation, you would have heard it?—From the size of the room, I should think so.

This was three days after the riot, was not it?—It was.

Did you, or Sheriff Thorp quit the company first?—Sheriff Thorp.

Did you, or M^cConnell quit the company first?—We retired together, I think.

After you left the room, Sheriff Thorp and M^cConnell were not together?—Not that I can answer.

You had an ex officio information filed against you, had you not?—I had.

For a riot at the theatre, was not it?—Yes.

Were you tried upon that?—I was.

Was a bill preferred against you before the grand jury, upon that subject?—Yes.

Was it ignored or found?—Ignored, I believe.

Have you any doubt about it?—No.

How long have you been over?—Last Friday night.

Have you been with the other witnesses at all since you came?—In the apartment in this House.

In the witness room, here?—Yes.

Have you seen any of the witnesses who were brought over against the sheriff, who have been examined already?—I have seen, I believe, all the witnesses.

Have you ever, before any person, spoken respecting those witnesses; the witnesses who deposed against the sheriff?—I dare say I have.

Have you ever spoken abusively of those witnesses?—Yes.

Have you ever spoken very abusively against them?—I may have spoken disrespectfully or abusively of them.

Do you know one Serjeant Harris?—I have seen him.

You have seen him among the witnesses here?—Yes.

Did you not speak so of those witnesses, that the serjeant said, "you deserved to be ducked?"—No.

Did you hear those expressions, or any expressions to that effect, from Serjeant Harris?—Yes.

Then it is true that serjeant Harris said you deserved to be ducked?—No.

Then what he did he say about ducking you?—The words made use of by serjeant Harris, were "If you are heard to say those expressions, you might be ducked."

That was with reference to the expressions you were using touching the witnesses?—I am not aware what his allusions were, it might have been so.

It was after you had been speaking, of course?—Yes.

Respecting the witnesses?—Not respecting the witnesses generally speaking, but persons similarly circumstanced.

To whom similar?—The expressions I made use of were as to a similar description to those in Dublin; that if persons in Dublin heard me use those expressions, I might be ducked or thrown into the Thames.

Were those expressions that you talk of which created that conversation, in the serjeant's opinion, apply to the witnesses?—No.

To whom were they applied?—Generally to persons of bad character.

Then you talked abusively of persons of bad character in general?—Yes.

And the serjeant said, that if you went on talking against people of bad character you might be ducked; was that so?—I should suppose it was meant so.

When you were in the witness room, had you a cane in your hand at any time?—Yes.

With a sword so it; what is called a sword stick?—No.

No sword cane or sword stick?—I had not one of my own.

Had you one in your hand belonging to any body else?—I might.

Have you any doubt you had?—No.

Were not you whether it was your own proper goods or chattels, or of another, flourishing and brandishing it in the witness room?—I might.

Mr.
Win. Graham.
South. Day.
(May 9.)

In the witness room?—Yes.

Did not you say while you were in that conversation, with that sword cane, that you would do some execution before you left London?—I might.

Chairman.—Witness, you do not appear to have a proper consideration either of the place in which you stand, or of the importance of being examined, touching the subject in consideration before the House; I recommend you to give more proper, respectful and direct answers.

You are acquainted with Mr. Sheriff Thorp?—Yes.

Did you attend particularly to every thing that fell from Mr. Thorp at Mr. Sibthorpe's that night?—No, I did not.

Were several people speaking at a time in the conversation which took place?—I have no recollection of more than one speaking at a time.

Did they talk together as people do in conversation mixing together?—Yes.

There were three ladies there, were not there?—There were.

Did they sit among the gentlemen, in the same part of the room?—Yes.

Altogether, they never went away and sat by themselves, and the six gentlemen by themselves too?—No.

Mr. McConnell was there?—He was.

There was not any conversation about who threw the bottle?—Not that I heard.

You heard every thing that passed?—I think I did.

Nobody asked you any question about who threw the bottle?—No.

Did you hear Mr. McConnell in conversation with any body?—Not particularly.

He never used any gross expression or made any gross reflections upon any body in your hearing?—No.

There were cards played that evening, were there not?—There were.

The whole party played together, did they not, at the table?—I think so, I think I did.

Whom did you go away with?—I went to the door with Mr. McConnell and Mr. Jackson.

Mr. McConnell and you went away together?—We went to the door together. And left the house together?—Yes.

And Mr. Jackson with you?—I think so.

And you left Mr. Sheriff Thorp in the room, did you not?—No.

He had gone before?—Yes.

Before cards were brought; before you began cards, had not an hour or so elapsed in the room?—No.

How long?—Not after I entered.

How long after you entered?—They were at the table when I entered; a portion of them at the table, and another portion at the fire-place.

Who were at the table when you went in?—Mr. McConnell, Mr. Sheriff Thorp, and young Mr. Sibthorpe.

And Mr. Jackson?—Yes.

You did not play immediately?—Yes, I did.

Immediately?—Almost immediately.

What did the ladies do?—They afterwards joined.

And played at the same table?—Yes.

McConnell was in the room before you came?—Yes; I think, to the best of my recollection, he was.

Do you recollect that when you came in, McConnell was playing at cards?—I believe I said, I was not positive.

In the question just asked of you, you mentioned McConnell among those that were playing at cards when you first came in; were those who were playing at cards when you first came in, Mr. McConnell, Mr. Sibthorpe, Mr. Jackson and Sheriff Thorp?—I think so.

Do you recollect when you were at cards, playing the knave of clubs, and using any expression when you played it?—Yes.

State what your expression was.—“There is the Lord Mayor.”

Was that all? state all which you said.—There might be more.

Was there not more?—“And he damned to him,” I think.

Was that all?—No more.

Positively no more?—Positively no more.

687

Mr.
Wm. Graham.
Seems Day.
(May 9.)

Was any observation made to you upon your saying so?—I cannot possibly recollect, there might.

You do not recollect any of the ladies saying any thing to you?—There might, I cannot positively recollect; more than once an observation might have been made to me for making use of the same expression, which I did more than once.

You damned the Lord Mayor more than once?—Not more than once.

Was Mr. Sheriff Thorp playing with you at that time?—I believe he was.

Did he say any thing to you?—I do not recollect indeed.

You have no recollection of any lady saying any thing to you upon that occasion?—Not upon that occasion.

You seem to allude to some other occasion, what do you allude to?—Not in company with Sheriff Thorp, nor in that house, but at other times.

You are frequently in the habit of damning the Lord Mayor?—I have done so.

Did you ever damn the Lord Lieutenant?—Never.

You did not that night?—No.

You did not wish him at the devil?—No.

Did any man there wish him at the devil?—No.

Did you wish him in heaven?—No.

Did you hear his name mentioned that night?—I did not certainly.

Not by any body present?—No.

Did you hear any conversation about the riot that evening?—No.

Not a word?—Not a sentence.

No question about a bottle thrown?—No.

No question whatever about what had passed at the theatre two or three evenings before?—I was not at all implicated; and I am confident that nothing passed on the subject of what passed at the theatre.

You were not at all interested, and therefore cannot recollect that any thing passed upon that subject?—I was not interested if any thing did pass.

Did nothing pass in your company respecting the riot in the theatre?—Most certainly not.

You are as positive of that, as of any thing you have stated?—Yes.

Have not you been with Mr. Blake since you came to London?—No.

Nor with the Attorney-General?—No.

Were you one of those men who were sent to goal for conspiring to take away the Lord Lieutenant's life?—No.

Had you any suspicion at this house of Mr. Sibthorpe's on this occasion, that you were charged with having been a rioter at the theatre, or implicated in the charge of having been a rioter?—None in my life.

How long after this evening at Sibthorpe's was it that you knew you were so charged; you were subsequently charged, were you not?—I was.

How long after?—A week.

You have stated that all the party at Mr. Sibthorpe's played at cards, is the Committee to understand that the ladies played as well as the gentlemen?—I think they did.

Are you sure of that?—I cannot be positive to all, for Mrs. Sibthorpe was occasionally up and down stairs, or out of the room.

Was there one card table or two?—One.

Do you recollect where you sat at the card table, whom you sat next?—I sat opposite the fire.

Who was on your right, and who was on your left?—I believe Mr. Sheriff Thorp on my right, I am not positive who on my left; either Mr. Jackson, or Mr. McCune, I believe.

How long have you known Mr. Sheriff Thorp?—About two years, I suppose.

Are you intimately acquainted with him?—About that period; I have known Sheriff Thorp some years.

And have been in the habit of meeting him in private parties?—At Mr. Sibthorpe's any where else?—In public.

When was the bill of indictment preferred against you ignored by the grand jury?—On the 2d or 3d of January.

When was this party you have been alluding to, at Mr. Sibthorpe's?—The 17th of December.

Between the time that the bill was ignored by the grand jury and your meeting Mr. Sheriff Thorp at Mr. Sibthorpe's, did you meet him in any other party?—No.

Had you any communication with Mr. Sheriff Thorp during that time?—No.

Mr.
Wm. Graham.
Solic. Gen.
(May 9)

Are you an Orangeman?—I am.

Do you know whether the persons who were tried were all Orangemen?—One I know to be an Orangeman, Forbes and Brownlow.

The Right hon. William Cunningham Plunket Attorney General of Ireland,
Examined in his place as follows:

WILL you have the goodness to look at that letter—[*letter signed Thomas and William Keenan, produced yesterday*—]—was that letter written by your direction?—Certainly.

What was the cause of your directing that letter to be written?—The cause of my directing that letter to be written was, an apprehension that I entertained, that the sheriff, who according to the routine of office, would have to return the jury, was a partisan, and had made declarations with respect to the mode of preparing the panel.

And therefore you wished that the other sheriff should join in preparing the panel?—Just so.

What nature of panel would you have wished to have had to try the issue?—I should have wished, if possible, that there should have been a panel of unprejudiced persons; if that was not to be obtained, I should wish a panel composed partly of persons of all opinions, and not confined to persons of any one opinion.

Would you have thought, that a man's being an Orangeman, would have been a sufficient objection to his serving on that panel?—I certainly would, it would have been an objection in my mind; I should have thought the return of a jury of Orangemen would have been a gross violation of propriety, and would have excluded any reasonable chance of justice being properly administered.

Have you ever had an opportunity of seeing the rules and regulations of Orangemen?—I do not know exactly what is meant by the question; I have had an opportunity of seeing a printed book, containing the rules and regulations of Orangemen, and I have had an opportunity of seeing extracts from books, containing rules and regulations of Orangemen; in that sense I have seen the rules and regulations of Orangemen.

Do you know whether those extracts were extracts from the books of the lodge 1612?—I really am not able to say.

Would you object to stating the nature of those extracts?—I have not the least objection, I have a difficulty arising from want of memory, but I have not the least objection so far as I do recollect them.

Were they different in substance from the printed regulations which were laid before you?—No, what I mean by extracts, is names of individuals, and of acts done, resolutions entered into, and things of that description. I have had an opportunity of seeing them, but I cannot undertake to recapitulate them.

Mr. Thomas Sibthorpe, called in; and Examined.

WHAT is your name?—Thomas Sibthorpe.

What is your situation?—A medical student.

Were you present on the 17th of December when a company was assembled at your father's house?—I was.

Do you recollect who were there?—I do.

Will you state the names?—My father, Mr. Sibthorpe, my step-mother, my sister, the sheriff and his wife, William Graham, and John McConnell.

Was a man of the name of Jackson there?—And John Jackson.

Did you ever hear that John McConnell made an affidavit as to certain expressions being used there?—I did.

That Sheriff Thorp said he had an Orange panel in his pocket?—I did.

Did you hear any such expression made use of by Sheriff Thorp?—I did not.

Do you think, that if such an expression had been made use of in your hearing, you would have recollected it?—Most certainly.

Do you think it could have been made use of without your having heard it?—I do not think it could.

Is your father in London now?—He is not.

Has he been summoned to attend to be examined?—He has not.

Beside the family there were present, Jackson, Mr. Connell, Sheriff Thorp and his lady, and Graham?—Yes.

When were you in the room; was it before Sheriff Thorp, or afterwards?—I was there the whole evening.

Were you in the room before any of the guests came in?—I was.

Who

Mr.
Thos. Stirling.
Sixth Day.
(May 9.)

Who was the first person who came in?—I think the Sheriff and his lady were the first.

Who was the next person?—Jackson, I think.

Can you with certainty say that Jackson was the next person?—I cannot with certainty say the order in which they came.

You cannot with certainty say whether Jackson or M^cConnell came in first?—Jackson I think, as far as I recollect, was in the room when M^cConnell came in.

Was there any political conversation passed in the room that evening?—The conversation principally turned on the riot in the theatre.

There was a considerable conversation on the riot in the theatre?—Not considerable, general conversation.

Did that conversation last any time?—Not further than the ordinary conversation of such a kind would.

Was it an animated conversation rather?—Not very.

Did Mr. M^cConnell take any part in that conversation?—Not more than the rest; I made no remark on his taking part.

Do you recollect his having said any thing that struck you upon the subject?—No, nothing.

Do you remember his having said any thing offensive?—No.

Do you remember that he said any thing gross; or threw out any gross reflections on any body in the course of the evening?—I do not recollect that he did.

Or any gross expressions?—I do not recollect that he did.

Do you recollect any conversation about the lord mayor?—I do.

Who were the persons engaged in that conversation?—It was not a conversation, it was rather an observation.

By whom?—By Graham.

What was the observation?—It was during the time we were playing at cards; on throwing down the knave of clubs, he made use of the expression, "had luck to you, Fleming."

By which he meant the lord mayor?—I suppose so.

Do you recollect whether any other lords were spoken of with respect or disrespect in the course of the evening, besides the lord mayor?—None, in conversation.

Are you quite sure there was nothing said about the Lord Lieutenant?—There was no conversation about the Lord Lieutenant.

Was there no observation made about him?—The sheriff made an observation.

What was the nature of his observation?—That he wished the Marquess Wellesley at the devil.

Was he playing at cards, or was it before or after cards, that he made that observation?—It was when going away.

Did he make that observation loud enough to be heard, in your opinion, by every body present?—Those that were at a distance might not have heard it; those that were near him would.

What was the size of the room?—About fourteen feet, by twelve.

Did you hear any question put to Graham about the riot in the theatre?—I do not recollect any question.

You heard a conversation about the riot; did you hear any conversation or observation made about the bottle?—No particular conversation do I recollect about the bottle.

But general conversation about the bottle?—The bottle was merely mentioned as having been thrown.

Was there no question put to Graham, whether the bottle was or was not thrown?—I do not recollect any.

Can you take upon yourself to say that no such conversation passed?—As far as I recollect, there was no such conversation.

You are not certain, though you heard that civil remark of the High Sheriff respecting the Lord Lieutenant, that all the other persons in the room heard it?—I can only answer for myself.

Then the sheriff might have made remarks respecting the Orange panel which you did not hear also?—I rather think not, because we were all seated at that time, but this was when he was about to depart.

In what part of the room was he then?—Near the fire.

That was his farewell remark, was it; his farewell benediction?—I cannot say.

How do you happen to recollect so exactly and correctly the precise time at which that remark was made?—I really cannot say how I can recollect it, but by its striking me and my keeping it in my memory.

22,
The Sheriff,
Said Day.
(May 9)

Do you take upon you to say with absolute certainty that Sheriff Thorp did not use those words about an Orange panel?—I do most assuredly.

You take upon yourself to affirm that with absolute certainty?—As far as I can do with certainty; I do not think such an expression could have been made use of without my having heard it.

Supposing another person in the company to have stated to the Committee that they heard that observation, supposing a second witness had said he had not heard Sheriff Thorp make any remark about Lord Wellesley, might not the remark about the panel have been made without your hearing it?—I have said that we were all seated together during the time that remark was supposed to have been made, but that the Sheriff was going away, and we were scattered, and possibly some might have been near and some at a distance from the Sheriff when the other was made use of.

How do you know when that remark about the Orange panel was supposed to have been made?—I spoke to M^cConnell about it, about his having made oath that such conversation had taken place; I waited on M^cConnell on the 26th of December or the 27th, I cannot be certain to the day, having heard that he had made such an assertion, and I stated that I had not heard any such conversation take place, nor had any of our family, and that I was willing to make affidavit if necessary; and he replied that he supposed that I thought so or I would not say so.

Is that the whole answer you have to give to the question?—It is.

Did M^cConnell say any thing to you which enabled you to state the particular time at which that remark on the panel was supposed to have been made?—No.

You have said that the remark about Lord Wellesley might not have been heard by other members of the company, because Mr. Sheriff Thorp was then near the door, can you take upon yourself to say that the remark about the panel might not have been made in the room and you not have heard it; what was the difference of circumstances which enables you to say, that the one remark could not have been made without your overhearing it, and that the other might have been made without other members of the company having heard it?—There was no conversation after that.

Was there no conversation very long before that?—The whole night.

How can you say that the remark about the panel could not have been made during the whole preceding period of the visit, by Mr. Sheriff Thorp at your house, and you not have heard him; what is the difference between that remark and the other?—On Sheriff Thorp's departure, I stated, that the company were up in various parts of the room, and that no conversation occurred after that; so that it could not have occurred after that, because he went away.

Might it not have happened before that time; might not Sheriff Thorp have made that remark about the panel before that remark which he made about Lord Wellesley?—We were seated; unless in a very low tone, or rather in a whisper, it could not have been made.

During the whole period, from the entry of Mr. Sheriff Thorp into the room, till the moment of his going away, it could not have been made without your overhearing it?—Unless it was made in a confidential tone.

Why?—Because the room was so small.

The room did not grow larger at the time of Sheriff Thorp's departure?—No.

When you were asked first, how you happened to know the particular part of the evening at which this remark was alleged to have been made about the panel, you went on to say you had a conversation with M^cConnell; what was that conversation, did M^cConnell tell you any thing that helped you to fix the time when he stated that remark to have been made?—I said he did not.

Did you or not mean to allude to a particular time of the evening when that remark was supposed to have been made?—I said that after the observation alluding to the Marquis Wellesley, Mr. Thorp went home.

The questions all relate to the whole period of the evening before that remark, what was it that induced you to suppose there was some particular time of the evening at which this remark was stated to have been made?—

[The witness was directed to withdraw.]

[The witness was again called in and the question proposed.]

I heard it was made in conversation.

Did your hearing that it was made in conversation give you any reason to believe that it was made rather at any one part of the evening than any other?—There

was no conversation after the sheriff had made the observation relative to the Marquess Wellesley.

When you spoke to McConnell respecting the observation as to the panel, did McConnell state at what time of the evening he alleged the remark to have been made?—No.

Have you read McConnell's evidence that he gave before this Committee?—I have in the paper.

McConnell states, does he not, that it was made at a certain period of the evening?—Yes.

Does not he state that that expression was made use of by Sheriff Thorp, soon after you passed him in the room, and said to him, "When will these poor fellows be brought to trial?"—So I read; I read his evidence.

At what time did the party begin?—About eight, I should think.

At what time did you sit down to cards?—Some short time afterwards.

How long did you continue playing at cards?—Till about eleven.

How soon after the card party had finished did Sheriff Thorpe leave the room?—Almost immediately.

To whom was it that Sheriff Thorp made that observation about the Marquess Wellesley, was it to yourself?—It was rather generally, I should think.

Had the company broken up at the time?—They were standing up.

Had they all got on their legs as if to go away?—They had.

Had they general conversation in the room as the conversation of a company assembled together, just at that time?—They had.

And that was an observation made just as he was departing?—Yes, casually.

And the whole company were on their legs about to go away?—Yes.

What had been said about the Marquess Wellesley before that observation was made?—I do not recollect any thing about the Marquess Wellesley, any conversation.

Had you been talking to Sheriff Thorp just before he made that observation, or be to you?—We had been talking the whole night, as people in conversation do.

Was this the first time you had heard the Marquis Wellesley's name mentioned that evening?—Except about the riot at the theatre, no conversation relative to him.

But his name was not introduced in that conversation, about the riot at the theatre?—No.

You had heard no observations previously upon his conduct, or his being a good or bad Lord Lieutenant?—No.

This was the first observation you heard made in his praise or his dispraise?—Yes.

Did not you consider it a little extraordinary that for the first time, just as a man was going out at a door without any thing to lead to it, he should say "I wish the Lord Lieutenant was at the devil"?—Indeed, I do not know what I thought of it.

Is it to be understood that it was uttered just like a grace after dinner, without any thing introducing to it?—Indeed I do not know.

Had not you heard Sheriff Thorp express any ill will to Lord Wellesley before that evening?—No.

You positively did not?—No.

Not while you were sitting at cards?—No.

Did not you hear him express any wish that Lord Wellesley was out of the country?—No, I did not.

Did not you hear him say that they should never be well while Lord Wellesley was in the country?—No.

Or that they should never do any good while he was in the country?—No.

Did you hear any body else say any thing else respecting Lord Wellesley?—No.

Having heard all the conversation that passed as you think, the first expression you heard that evening respecting Lord Wellesley was by Mr. Sheriff Thorp, when he was going out at the door, wishing Lord Wellesley was at the devil?—I think that was the first time.

You say there was a conversation respecting the riot at the theatre?—There was.

At what period of the evening did that conversation take place?—A little after eight.

Was it before you went to cards?—Yes.

Did Sheriff Thorp take any part in that conversation?—I do not remember any one in particular taking any part in the conversation; the conversation was general.

Mr.
Thos. Subthorpe.
Sixth Day.
(May 9.)

Do you remember whether Sheriff Thorp in particular took any part in that conversation?—I do not.

Do you mean to say, that you recollect that he took no part, or that you do not know whether he took any or not?—The question was, whether he took any particular part; I said the conversation was general.

In that general conversation did Mr. Sheriff Thorp join?—I think he did.

Do you remember any expression he made use of?—Nothing in particular.

But you think he did use some expressions, or he could not have joined?—Of course, in conversation, a person must speak.

Then he did use expressions which you do not remember?—No remarkable expression could he have used, or I should have remembered; nothing more than conversation in general respecting passing events.

Cannot you state what opinion he expressed about the riot at the theatre, without remembering the precise words?—There was no opinion expressed at all about it; it was merely about the fact.

What was said about the fact?—About the statement of a bottle having been thrown at the Lord Lieutenant, and about the rioters.

Conversation must consist either of facts or of opinions; did the conversation last some time?—Yes; not longer than any common event, or any event of such a kind would last; there was nothing particular in the conversation further than an event of that kind, an accident or any thing of such a nature would create.

Were you five minutes or ten minutes conversing about it?—I do not know how long.

Did most of the company take part in it?—It was general.

Can you remember nothing that any body said?—I do not recollect any thing in particular.

Consequently you cannot recollect any thing that Sheriff Thorp said?—Nothing particular, nothing more than general conversation.

Do you recollect any conversation about the traversers?—I do not.

Did you know at the time who were the parties suspected or likely to be accused?—I did not.

Did you know whether Graham was one?—I did not at that time.

Had you any particular conversation with Graham that evening?—No particular conversation.

Did he converse with Sheriff Thorp that evening?—As the rest of the company did; there was no particular conversation that I recollect between them.

Do you remember where Graham sat before you went to cards?—No, I do not recollect where he sat.

Do you recollect where Sheriff Thorp sat before you went to cards?—The room is very small; I do not know in what part.

You do not recollect in what part of the room Sheriff Thorp sat?—No, I do not recollect any particular part.

You cannot tell whether he and you sat together?—No, I cannot, until at cards.

Can you tell whether Graham and he sat together; have you any recollection of that?—No.

Graham and he might have sat together, and you not remember it?—They might, as the rest of the company.

Do you mean to say, that in the conversation which took place, the parties who sat next each, did not speak to each other, and that they spoke in general to the whole company?—They were speaking, generally.

Did it not take place, as in all conversations, that sometimes the whole company was addressed, and sometimes the individual next the other was addressed?—Sometimes.

Do you mean to represent to the Committee, that you can recollect what passed between the individuals who conversed together, when they were sitting next each other, before cards?—Unless in a low tone, I should have heard it.

Can you recollect any thing that did pass?—The conversation was so general, that it made no impression upon me.

You cannot pretend to say, what particular words passed from one individual to another before you went to cards, can you, if you can, state any words that passed?—I know of no particular conversation that passed.

Will you state what was the reason of your calling on M'Counel to inquire as to the conversation which had passed at your father's?—To inquire whether it was true or not.

Were

Mr.
The Sheriff.
Sixth Day.
(May 9)

Were you distressed by any other person to call upon him, or was it from your own suggestion?—I was not desired.

Did he endeavour to make you understand at what period of the evening he had heard that conversation?—No.

On what day was the riot at the theatre?—On Saturday, the 14th of December, I think.

On what evening was the meeting at your father's?—On the following Tuesday. Was there any conversation on the approaching trial of the rioters?—None, that I recollect.

Had any of them been committed at that time?—The Handwich's had.

Had they been apprehended only, or were they committed to prison?—I really do not know.

Had you had any conversation with any branches of your family, with respect to what M^cConnell had stated, before you called on him?—I had.

Did they deny the statement he had made, or did they believe it?—They denied it.

Had you had any conversation with any other persons that were there, besides those of your own family, with regard to M^cConnell's statement, before you called on him; had you had any conversation with Mr. Jackson, or any other of the visitors?—With none but our family.

On what day of the month was this party?—On the Tuesday following the riots.

What day of the month?—On the 17th, I think.

At the time of that meeting, do you know that any of the parties were committed for trial?—The Handwich's, I heard, were taken.

Do you know whether they were committed for trial?—I do not.

You say, there was a political conversation in your house that day?—I did not say there was a political conversation.

Was there a conversation about politics?—No.

Was there a conversation about the riot?—There was.

Was the conversation about the riot, early in the evening, or late in the evening?—It was soon after eight.

Was it soon after you began to assemble?—Yes.

Was it before you sat down to cards?—Yes.

At what time did Graham come into the party?—I suppose about eight.

Did he come in before you sat down to cards?—Yes.

Are you pretty sure of that?—Yes.

What induces you to believe, that Graham came into the party about eight o'clock?—Because, I recollect that the party were there sometime before we sat down to cards.

Did Graham play at cards?—He did.

Did he sit down with the first party at cards?—Yes.

Was M^cConnell in the room when cards commenced?—He was.

Fix as nearly as you can, the time before the party sat down to cards, after they assembled in your father's house?—I suppose, from about a quarter to half an hour.

Were Mr. M^cConnell and Mr. Sheriff Thorp in company together, for the three hours you have stated, from eight till eleven?—They were.

You were not a listener all this time; you talked and entered into conversation like the others?—Certainly.

At periods you talked to the persons nearest to you; at other times there was general conversation?—General conversation.

Will you undertake to say that many expressions were not used in that assembly that did not reach your ears?—Unless in a low tone, there could have been no observation made.

Do you mean to say, that when you were engaged in conversation with somebody near you, expressions might not have been used by persons in that society which escaped your hearing?—I was not engaged in conversation, more than general conversation.

You have stated, you were sometimes engaged in conversation with the persons near you, and at other times in general conversation?—I might perhaps; the conversation was general during the whole evening.

Do you mean to state that you can undertake to say that during the three hours you have mentioned, the conversation was general the whole time, and that you did not address any individual separately during the whole of that time?—In the conversation I must address an individual.

Mr.
Thorpe.
Sixth Day.
(May 29)

- If you did address an individual, might not observations have been made during the time you were so addressing that individual, by some other person, that might escape your observation?—I think no observation of so remarkable a kind could have escaped my attention.

The question does not refer to any remarkable observation, but is a general question; do you mean to say, that no one observation could have escaped the lips of any person without coming to your ears?—In a confidential and under-tone there might.

Do you mean to say that when you are engaged in conversation with a neighbour to you, an expression, not in an under-tone, might not escape your observation?—I think it unlikely.

Do you think it likely, that when nine persons are congregated together, every observation made by the eight other persons must have reached your ears?—Where they are all round the table, and close together, the observations must have been heard by all.

Were they all round the table the whole of these three hours?—Mrs. Thorp, my step-mother, and sister, were aside talking together; they did not play at cards.

During the whole of these three hours, were the whole of the company seated round the table?—Not the whole.

During the time that some were not round the table, might not a conversation have ensued in which many observations might have escaped your ears?—In a confidential tone, there might.

Supposing two persons were talking together, in one part of the room, and two separate persons in another part of the room, might not observations have passed between two of one set that might have escaped your observation, while you were listening to observations made between two others?—There might have.

Might not observations have been made, by Sheriff Thorp, which did not reach your ears, that evening?—Of course, something in an under-tone might; he might have spoken privately, if in conversation with some person, without my having heard it.

Might not Sheriff Thorp, during that evening, have been engaged in conversation with one person, while you were in conversation with another?—He might.

During the time you were so engaged in conversation with your friend, might not observations have been made by Sheriff Thorp, that did not reach your ears?—There might.

Did you observe Sheriff Thorp and M^cConnell at any time in private conversation that evening?—No.

Were all the gentlemen round the table?—They were.

The whole time?—Yes.

You have been asked whether your father is in London; is not your father a very infirm man, that could not conveniently come to London?—He has been very ill.

It has appeared in evidence, that the expression by Sheriff Thorp, which has been particularly alluded to, respecting the panel, was said with a slapping of his hand upon his pocket, "I have the orange panel in my pocket," if it was accompanied by such a gesture as slapping his thigh and saying he had it in his pocket, would not that have been likely to have attracted your notice?—Certainly it would.

Do you know whether Sheriff Thorp and Mr. M^cConnell are inhabitants of intimacy with each other?—They only knew each other by occasionally meeting at my father's house.

You do not think it likely that Mr. Sheriff Thorp would enter into any confidential communication with Mr. M^cConnell in a low tone?—By no means.

Did you know, on the 17th of December, that Graham had been charged with being concerned in the riots at the theatre?—He had not been charged.

In the course of the conversation which took place, did Mr. Sheriff Thorp speak in approbation or disapprobation of the riots?—In neither terms of approbation or disapprobation of them.

He did not express any opinion respecting them?—No.

How long have you known M^cConnell?—Ten years.

He had visited your house as a friend?—He had.

As a person of good character?—Yes.

You called upon him to know whether the conversation had passed, whether he had heard such a thing said, as was represented by the sheriff?—I had heard, that

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he had gone before the privy council, and made affidavit of that conversation, to the effect of Sheriff Thorp's saying, that he had an orange pencil in his pocket.

And you called upon him to know whether it was true?—Yes, whether it was true.

John Crosby Graves, Esquire, Called in; and Examined.

WHAT is your name?—John Crosby Graves.

What is your situation in life?—I am a barrister and magistrate of the head office of police in Dublin.

You recollect the riots that happened at the theatre, on the 14th of December?—Yes, I attended at the theatre on that night.

There were certain persons accused of having been active in those riots?—Yes.

First of all, there were two persons taken up for that?—I understand three, two Handwich's and George Graham.

Did you commit those persons?—No, I do not know whether I ought not to explain, those persons were carried to the office of the sixth division; the police division in which the theatre is, they were there examined, and the informations taken in that office.

Do you recollect, when Forbes was first accused?—What is meant by accused.

First named as a rioter?—He was first apprehended in the theatre by myself.

Was he detained then?—He was not then detained, he was taken to the watch-house; he there gave bail, under my direction; and on the following morning, there were no circumstances at the time of sufficient importance, to be considered a foundation for any serious charge.

He was afterwards accused of rather a serious charge, do you recollect what that charge was?

[The witness was directed to withdraw.]

[The witness was again called in, and the question was proposed.]

The charge was of a conspiracy, to kill and murder the lord lieutenant.

Was not the state of public feeling in Dublin considerably exasperated?—It was very highly excited.

In a case of high exasperation of public feeling, do you not think there is a considerable difficulty in obtaining a panel of fair and impartial men to judge a question of that nature?—I should conceive so.

Do you think the committal of Forbes, for that capital crime, tended to increase that exasperation?—

[The witness was directed to withdraw.]

[The witness was again called in, and the question was proposed.]

It was one of many circumstances that might so contribute.

Did you commit Forbes for that crime?—I did not sign the committal for Forbes.

Was it ever proposed to you to sign his committal?—No; there were grounds why I think it was not proper for me to sign that committal, nor the other two commitments for the capital charge, which I will explain to the Committee, if desired: The two informations respecting the other prisoners, and the facts respecting them, were deposed to in the sixth divisional office of police, the College-street office; the informations against one of the Handwich's, Henry Handwich, and George Graham, against whom there were capital charges preferred, were sworn in that office; the informations not being before me, it was not for me to sign them; I sent for the magistrate of the office, before whom they had been sworn, he had the informations before him, and he signed the commitments against those two men; in the case of Forbes, I was myself a witness, I had apprehended him, I had made an information which was part of the evidence to affect him, and it did not strike me as at all proper for me to be the committing magistrate.

Were there any other reasons for your not signing the committal?—These were quite sufficient reasons; and they were the reasons that actuated me at the time.

Were there any others?—I do not know that I am called upon to go beyond the circumstances of the case, which were abundant, and which were the influencing ones at the moment.

Have you any objection?—I certainly have no personal objection to state any thing that I am called upon by the House to state.

John Crosby Graves,
Esq.

Sixth Day.
(May 9)

Had you any other reason for not signing that committal?—I had taken informations against him; I had made a statement in the way of deposition against him, on facts coming within my own knowledge at the time of his apprehension; and I thought, and I mentioned it to my brother magistrate, as a reason why I should not be the magistrate to commit.

Did you decline to sign the informations against him?—No; I received, I believe, two or three informations affecting Forbes.

Were they informations on the capital offence?—They were informations as to the circumstances; and one of the informations was in relation to facts that gave the charge a more serious shape than it had taken before me, when he was apprehended in the house.

What reason induced you to sign certain informations against him, and to decline signing the capital one?—I did not decline signing any information at any time when I was in the office, and that a witness deposed to any facts as affecting him; I received the information, and of course subscribed the jurat, as the magistrate who swore the information.

Did you subscribe the jurat on the capital information?—There were informations that I did not subscribe.

Did you subscribe the information on the capital charge?—There were informations against Forbes which were not made before me; many I believe.

Did you subscribe the information upon the capital charge?—I really cannot understand that; I subscribed one or two informations, which seemed to me afterwards, when attending upon the trial before the petit jury, to be one of the principal informations affecting him, with respect to a conversation taking place after the performance at the theatre, and giving a more serious colour to the case than it had struck me in, when I had apprehended him.

Did you subscribe the jurat of the information upon the capital charge?—

[The witness was directed to withdraw.]

[The witness was again called in.]

Did you subscribe the jurat of the information upon which the capital committal took place?—I cannot say that; I subscribed one information; shall I name the person? an information as to a transaction taking place in Essex-street, after the representation was over, which I believe was of as serious a nature as any other information sworn, except that another party, who was present at the same conversation, and who did not swear the information before me, did recollect that conversation, I believe, more fully, and did state something which more considerably affected Forbes, than did the informants who gave the information before me.

Did any information which you subscribed warrant a committal on a capital charge, in your opinion?—If I had had the case before me in the ordinary way, simply upon the informations that were sworn before myself individually, I should not have shaped a capital committal on any thing which had been deposed to before me.

Was it proposed to you to commit upon the capital charge upon those informations?—Not directly.

Was it indirectly?—I got no immediate direction upon the subject.

Did you get any direction or intimation upon the subject?—One of my brother magistrates came into the office and stated, that it was directed that three of the persons charged were to have capital committals made against them.

Did he state by whom it was directed?—He came from the council-chamber, and he stated that it was by the attorney-general, or by the law officers, I do not know which; I had been there on the same day; he came last, and he said that capital committals were to be framed against them.

Were you required, or desired, to sign those capital committals?—No, that was all that passed upon the subject, in the way of a direction; the committals were then framed accordingly; I sent for the magistrate of the office in which the informations had been taken against Handwich and Graham, who were two of the persons; that magistrate came; he assisted in the preparation of the form of committal; it was afterwards taken into the council chamber, or into the under-secretary's room at the Castle, where the law officers were, and I believe it was there modified or altered in a slight degree.

Were either informations or committals tendered to you which you declined signing?—No, I state what passed; on the ground I mention, I sent for that mag-

istrate,

magistrate, and left it to him to sign the committals against those two persons; with respect to the third person, Forbes, I addressed myself to one of my brother magistrates, and said, with respect to Forbes, "I am a witness, and I think it would be more proper for you to sign the committal than for me."

*John Crosby Graham,
Esq.*

Sixth Day.
(May 9.)

You had signed informations, relative to Forbes, previous to that?—I had taken two at least, if not three, affecting Forbes, with respect to a conversation taking place, principally after the theatre, at a tavern in Essex-street.

Were any informations shown to you which you thought would have justified you, if you had not been a witness on the case, to have committed him for a capital crime?—There were many informations, or notes of informations, taken, affecting the different persons, which I had not seen until several days after; if I was called upon to exercise my discretion, for I consider the committal of a person as a judicial act, not merely a ministerial act, I should have looked over all the informations in the best way in my power, and have come to the best decision I could upon it.

Was the committal of Forbes signed in your presence?—I believe it was; I believe I was in the office at the time.

By whom was it signed?—It was signed by Major Sirr, the sheriff's peer magistrate of the office, a very experienced magistrate.

Was any information made before him at that time?—Not at that time.

Do you know whether there was at any other time?—I believe he did receive one or two informations respecting Forbes, that he had been the subscribing magistrate as to two; there are sometimes two magistrates in the office, and in the course of business it may happen to one magistrate to examine and sign the informations, and on the same case another magistrate to have to examine and sign another information; I believe in the course of that investigation, which lasted for some days, Major Sirr did receive probably more than one information against Forbes, and was conversant with the facts, I will not say how far, affecting him.

The riots took place on Saturday night the 14th of December?—Yes.

On what day did the committals of all the offenders take place?—On the 23d of December, the Monday week after.

On what day did the trials take place?—The trials ultimately, under the ex-officio informations, did not take place till I believe the 1st of February, or the end of January, I do not recollect the day; it might have been the second or third of February.

About what date was the panel struck of the grand jury?—When struck I cannot exactly say, but the grand jury attended in court, and were sworn on the first of January.

About what time do you suppose that panel was struck?—I should suppose two or three days before.

About the 28th of December?—I should suppose so.

Was it likely to be struck on the Tuesday after the riots, on the 17th of December?—I should suppose not.

Was it in contemplation at that time?—I do not know the course of the sheriff's office, but I should not at all suppose so; the commission was to sit on the first of January, and I believe the panel is not struck so long before.

Were all the parties in custody on the 17th?—No; there were only three parties, in custody until the 23d; on that day Forbes and Brownlow were apprehended in addition; I believe there were six persons in custody on the 23d, three had been in custody all through, and I believe three additional were apprehended on the 23d of December.

The committals were by no means perfect on the 17th of December?—No; no final committal had taken place until the 23d of December; but three parties were continuing in arrest, that is, the two Handwich's and one Graham, from the time of the riot.

Do you think it at all likely the sheriff would have struck the panel on the 17th of December, before the offenders had been committed?—I think not; I do not found myself upon that, but on the improbability of the time being so long beforehand.

A good large parchment panel would have been a very unpleasant thing to have kept in the pocket so long?—I do not know any thing of the size of it, but a panel will go into a pocket.

A sheriff may talk figuratively about having the panel in his pocket, without having it there?—That may be done.

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Would

John Crosby George,
Esq.

Sixth Day.
(May 9.)

Would it be likely for a sheriff to talk of his having a panel in his pocket, before the offenders had been committed?—I should think, speaking *a priori*, it would not have been likely.

You mentioned, that it was because you were a witness that you declined signing the last informations against Forbes?—That certainly was the ground upon which I put it; and I conceive that to be in itself a sufficient ground. I should have acted so if there had been no other in the world, most undoubtedly.

Had not you taken and signed two informations against the same man?—Yes, I had.

How came the greater delicacy in the last instance, than in the former?—I conceive there is no delicacy in receiving an information; it is merely attesting the party who deposes to facts, no consequence attaches to the party upon that; but on committing, the liberty of the person is immediately affected, and in this case, being a capital offence, his life may be affected; it is, therefore, quite of a different nature from attesting the jurat of an information.

At the time that you were required to sign a committal for Forbes, had you seen all the informations that were against him?—No; but again I must state, that I was not personally required at all; and there was no request, except in the shape I have already stated to the House.

William Leadour, called in; and Examined,

William Leadour.

WHAT is your name?—William Leadour.

What is your situation?—I am a tallow-chandler.

Did you know a man of the name of Ormsby?—I did.

What was his christian name?—James.

Is he living, or dead?—He is dead.

Shortly previous to his death, had you any conversation with him?—I had.

Will you state what it was?

[The witness was directed to withdraw.]

[The witness was again called in, and the question was proposed.]

In the beginning of the month of March, I called upon him for the purpose of getting a book of mine which I heard he had; I found him in a very dangerous state of health; when alone in his room, and speaking with respect to the termination of the trials in the King's Bench of the traversers for the riots at the theatre, he said, "The lads have come off much better than might have been expected, they little knew that it was poor James Ormsby, who will be soon going to Davy Jones, who threw the pieces of wood."

Was there any further conversation on the subject?—None.

Did he die shortly after?—In the course of three weeks, or, I believe, a month.

Was he a low sallow man?—He was.

Do you know whether he had made that communication to any-body else?—I have heard he had; I cannot speak positively.

Whom did you hear he had made it to?—I have heard he told it to George Graham, the person who was accused of having thrown these missiles.

Do you know why your friend supposed those lads had got off better than might have been expected, if they were not the persons?—I should presume, by their not having been found guilty.

At the time you had the conversation with Ormsby, notwithstanding the expression you have stated he made use of, with respect to his expectation of going to Davy Jones, did he appear to you to be in serious state of health?—Perfectly so.

Apprehensive of his approaching dissolution?—I am decidedly of opinion, that it was under that impression he made the declaration to me.

Had your friend Mr. Ormsby been long ill?—He had been in a bad state of health a good while, nearly a year.

It was a serious illness?—A consumption I believe, one week well and another confined to his bed.

Was he in the habit of going out frequently?—I cannot say.

Was he in the habit of attending the theatre?—I cannot say; I had not seen him above two or three months before.

Had you seen him frequently before this?—I had seen him in the prison of Newgate, where the traversers were confined.

Was

Was he in the prison confined, or merely as a visitor?—Merely as a visitor.

What was your object in going to the prison?—I went to see Mr. Forbes, at the time he was confined there.

Did Ormsby go there for the purpose of seeing Mr. Forbes?—No, I believe he did not know him; but for the purpose of seeing the Handwich's.

Was he in conversation with the Handwich's?—Yes, I believe so; I went for the purpose of paying a visit to my friend Forbes.

Do you suppose he would state to Handwich that he threw the bottle?—Indeed, I would suppose so, for I believe they were in habits of great intimacy.

Do you think it likely Handwich would keep that secret?—I think it probable he would.

Why?—I do not see that any good could have come of proving that, as the other had not been found guilty.

Was not it possible to get evidence, that Ormsby had thrown the bottle?—I cannot give evidence of that; I was not in the theatre, and cannot state what passed there that night.

Did you ever make any deposition for the purpose of impeaching the credit of any of the witnesses on the trial?—I never was examined privately or publicly before on the question.

Did you never give any information, or make any deposition?—Never before.

Do you remember making any inquiries about a person of the name of Farrel, who had been examined as a witness?—I do perfectly.

A man who was examined as to the throwing the bottle?—Yes.

What inquiries did you make concerning him?—Sometime about Christmas or new year's day; sometime in the last week of December, a person called on me and stated, that he had heard Farrel say, at the door of the police office, in College-street; that thank God, his oath was taken, and now they should have satisfaction of the bloody Orangemen. I having a wish that matters should be set in a fair way, and that the parties accused should be honourably acquitted, I inquired who Farrel was, I found out his occupation and residence; and the person who made this communication to me, I requested he would go to his abode to recognize him; on the day of the trial, he went there, and returned to me, and told me, it was the same person; and that if he would come forward and swear that Handwich was the person who threw the bottle, he was ready to swear that he had made use of this expression at the door of College-street police office.

Was that person examined?—He was not called.

Were you intimate with the prisoners?—I was particularly intimate with Mr. Forbes, Mr. William Graham, and Mr. Brownlow.

Do you belong to the same lodge with them?—I do not.

What lodge do you belong to?—I do not belong to any particular lodge, I am attached to the system generally.

You do not belong to any particular lodge?—I do not.

You are what is commonly called an Orangeman?—I am.

You do not belong to any particular lodge?—I am not attached to any particular lodge.

Are you a purple man?—I am.

You have taken the orange oath?—I have.

And the purple oath?—Yes.

Is there any other colour, any higher order?—Not connected with the orange system.

Were you intimate with Mr. Ormsby?—I was not.

You knew him very little?—I had seen him about a year back; but I never spoke to him in my life, till the time the traversers were in confinement.

At that time Mr. Ormsby was very ill?—He was, but was able to be out.

He was in the immediate prospect of death?—I cannot conceive he was at that time, for I thought he was likely to do very well.

Then when he talked about the Mr. Jones, in the way you have described, he had not the prospect of death?—I did not mention Mr. Jones.

Davy Jones?—Yes, that was in the month of March.

The question refers to the month of March?—I am speaking of the last week in December.

When did you see him, when had you that conversation with him?—The time he made use of that expression to me, was the first week in March.

Was he very ill then?—Very ill indeed, he was confined to his room; he was sitting up to have his bed made, he never left his room after that.

William Leach.

And died a few weeks after that?—Yes.

And he had the prospect of death strong in his mind, at the time he mentioned that person of the name of Jones?—Yes.

In that solemn frame of mind, which the prospect of impending dissolution would inspire?—So much so that a clergyman had been with him, I believe, that morning.

Was he in that state of mind, that a person usually is in the prospect of dissolution, when he used the expressions which you have just stated to the Committee?—I consider him to be perfectly in that state of mind, so much so, that a clergyman had been with him, I believe, an hour before.

You say you had not known him much before?—No.

How often had you seen him before that?—I might have seen him a dozen times; but I was not on speaking terms until the time of the riot, or the week following.

How often had you spoken to him altogether, before you had that conversation?—Perhaps a dozen times.

But never in any confidential habits?—Never.

You were no connection of his?—No, certainly not.

How came you to his house at the time in question?—I had lent a book, which was of great value to a person, and on inquiry for the book, I was told it had been lent to James Ormsby; the person said, "I hope you have no objection," I said, "No, certainly not;" I heard he was in a dangerous state of health, and went to ask how he did, for the purpose of getting my book back; I sent up my name, and was asked to walk up; I spoke to him for a few minutes, and then told him what I called for; he sent the book back by his boy to my house; I sat with him for an hour and a half, and talked to him about different matters, and this among the rest.

How soon did you mention this?—I told it to Mr. Forbes I believe, on the Thursday following.

Have you told it to any body besides Mr. Forbes?—To a number.

Since that?—Yes, since that.

What made you so anxious that the prisoners should be honourably acquitted?—Being a particular acquaintance, I felt concerned in their welfare, I felt sorry that an imputation of the kind should be made against them.

You felt no peculiar interest in consequence of their belonging to the same system as yourself?—Certainly; I considered that the same odium would be brought against the system, and that together with my individual feeling for them, roused me to exertion in their favour.

Robert Gilbert, called in; and Examined.

WHAT is your name?—Robert Gilbert.

What is your situation in life?—I am the under gaoler of Newgate in Dublin.

Do you recollect any person coming to the goal of Newgate, for the purpose of seeing the prisoners, who were confined upon an information for being concerned in the riot at the theatre on the 14th of December?—I do.

Do you recollect any person pointing out one of them, as the man that threw the rattle?—I do.

Who was that person?—I have heard since that it is a Mr. Lewis who pointed him out; I heard so the day before I left Dublin.

Would you know him if you saw him again?—I think I would; but there were other gentlemen with him. One gentleman, whom I know, Mr. Tandy, the magistrate.

Whom did he identify as the person who threw the rattle?—He identified a man who I afterwards understood was a man of the name of Ormsby.

Was he a low sallow man?—He was a man in a consumption; a man in the last stage as I thought at the time of a consumption.

Major Tandy was present at this?—He was.

When did this take place?—I think the day or the day but one after the prisoners were fully committed.

Lewis pointed out Ormsby as the one who threw the rattle?—He did; there were about ten prisoners in the yard where the man was; I was asked to show the prisoner Graham which I declined doing; I said it was not any practice to show any man singly, but I would show the yard where he was; I brought them up to an eminence and said, "Gentlemen the prisoner is in that yard." Ormsby was with his back against the wall talking to Matthew Handwich and he pointed over his finger and said, "That is the man." I certainly was greatly astonished at the time, and turned round, and after some little delay, said, "Sir, I think you are mistaken

for

Robert Gilbert.

for that man is not one of the prisoners." He then seemed to be more positive as to his dress than to his features.

Was Major Tandy by all this time?—He was.

You are sure that Major Tandy was in a situation to hear all that passed?—Certainly, he was not further than this gentleman from me, we stood on the narrow stone stairs; we were all standing on the stone stairs together.

Major Tandy could not have misunderstood any thing that passed, in your opinion?—Certainly not, he was as near as the other gentleman, if not nearer.

Did not you in the course of the conversation point out Graham to Lewis?—Not till after he had asked me if I would show him, and I said I would then.

You are positive he pointed out Ormsby in the first instance?—Certainly.

What passed when Lewis pointed out Graham?—There was some conversation between him and Major Tandy, which I did not mind; Mr. Tandy being a magistrate I did not interfere between him and Mr. Lewis.

Did not Mr. Lewis say something to you upon the subject?—No, I think not.

You are positive that he in the first instance pointed out Ormsby?—Yes, quite positive.

Did any other persons apply to you to point out Graham to them?—No, not Graham.

Or Forbes?—The prisoners in general, I was asked to show them all; I recollect on one year's night there came the crown solicitor in the gaol with a gentleman whom I did not know, whose face was covered so that I could not see, and he asked me to bring the prisoners, and to place them in a situation with other persons, that they should be inspected. I brought them all down into one of my own apartments, and placed them in a room, and the gentlemen walked up into the room, and the gentleman who came to identify them, I recollect, identified a man of the name of Davern, who was in custody for forgery for a length of time before; I then told the gentleman he must have been mistaken, for that person was in custody for a long time before the riots in the theatre; he then requested I might bring down Forbes and show him, that he would be much obliged if I would let him see Forbes; I told him I did not think that would be right, that he was in a most conspicuous place in the room, and I did not think it would be treating him well to show him singly.

Did you afterwards learn who that gentleman who was muffled up was?—One of the attendants asked the servant in the hall, and he told him he was a Mr. Vignotes, one of the Lord Lieutenant's aid-de-camps.

Did not you consider it a circumstance of some considerable importance, when Lewis pointed out Ormsby as the person who had thrown the rattle?—I did.

Did not you think it was a circumstance worthy of being made known to persons in authority?—I did.

You said that he was so pointed out in the hearing of Major Tandy?—Certainly.

Was the circumstance of its being in Major Tandy's hearing, a circumstance that made you think it was unnecessary to make it known to persons in authority?—Yes.

Major Tandy is a police magistrate?—Yes, I know him very well as such.

On what day did this take place?—I declare I cannot say, but I think a day or two after the prisoners were fully committed; I know it was after they were fully committed.

Do you know who Lewis is?—I have heard the day before I left Dublin, that he was sub-sheriff of the county of Kildare.

Do you know where he is?—I should suppose he is in Dublin, or in the county of Kildare; I do not know, certainly.

He is of course a person easily to be got at?—Certainly.

Were not those prisoners when they were committed, ordered into the felons' ward?—I was not at home when they were committed, but when I came home I found them in the felons' ward.

Did you understand by whose orders they were put into the felon's ward?—They were put into the felons' ward either by Mr. Bourne the governor, or some person under him.

From whom did they take their orders?—I cannot immediately say.

Did you ever hear?—No I did not; when I came home at eight, I found the men in the felons' side; I went to them; I thought the place was not a proper place for them, being state prisoners, that the state side of the prison was the place for them, and the reason it got the name of the state side was, persons charged with conspiracies or combination, or those things, being placed there, from having state prisoners.

Robert Gilbert.

Sixth Day.
(May 9.)

ers in it; and I thought as they were charged with a state offence, they ought to be in that side.

Mr. Forbes was in the condition of a gentleman?—Yes, Mr. Forbes was never on the common side; I removed them the next morning to the other side, and they were moved back again.

By whose order were they moved back again?—I cannot say; I was at my breakfast, and when I came out, I heard a noise; the lord mayor was there and Mr. Bourne, the prisoners were in the ball, they had to pass from the state yard to the felons' side, and I heard the lord mayor say, "Pass on, pass on, ye friends here."

And they were passed on to the felons' ward?—They were, and remained there I think, for seven days, until they were fully committed.

Had they very good accommodation in the felons' ward?—The best accommodation in it is very bad.

When Lewis stated that Ormsby was the person who had thrown the rattle, did he state it upon his own knowledge or common report?—On his own knowledge.

Did he state that he had seen it?—He did; that he was in some situation in the boxes, that he could see him and had a clear view of him.

He was quite certain Ormsby was the person who threw the rattle?—Yes, he seemed to be quite certain at first; but when I told him, he was not one of the prisoners, he seemed not to be so certain as to his features, but more certain to his dress.

Are you to be understood that when you told Lewis that Ormsby was not one of the prisoners, then Lewis said that he was not so certain about his features but merely about his dress?—Yes, that is the fact.

After you told him that Ormsby was not one of the prisoners, he then stated that his knowledge of his being the person who threw the rattle was not derived from his features, but from his dress?—No, he did not say that, not from his features but from his dress; but he seemed to be more certain as to his dress than to his features, and it threw a doubt upon his mind whether he was the person.

When you told him that Ormsby was not one of the prisoners, some doubt was thrown upon his mind whether he was the person?—Certainly; and I thought him quite mistaken myself at the time.

Did not Mr. Lewis ask you whether Graham had not changed his dress?—He did.

Will you take upon yourself to say, that Lewis at any time pointed out Ormsby as the person who threw the rattle?—Yes, he was the first person he pointed out, and him only he pointed out; and to that question which was just put, I will say, Graham never changed his dress.

Was Ormsby at the prison to visit any prisoners?—Yes.

Whom did he come to see?—One of the Handwich's.

Did Lewis make his statement that Ormsby was the man, in Ormsby's hearing?—No.

How far distant was he?—He was about sixty-five feet from him.

Did the prisoners know for what purpose Mr. Lewis came to the prison?—They did not; there was no necessity, for there were about ten of them in the yard; it was the yard that their friends see the prisoners in, and I told them they could see them without letting them know any thing about it.

Did you ever mention to the Handwich's, or any of the prisoners, the fact that Mr. Lewis had pointed out Ormsby?—I went down immediately, and said, "What is your name?" He said, "My name is Ormsby." I said, "There was a gentleman after pointing you out as the person who threw the rattle; were you at the theatre that evening?" He said, "I was at the theatre." I observed while I was talking to him he seemed a good deal agitated. I said, "When you were at the theatre, had you this coat on?" He said, "No, I had not this coat upon me." I asked him this, in consequence of the gentleman seeming to speak more to his dress than to his person.

Were the prisoners with him at the time you spoke to him?—No, he was alone, coming out of the prison.

Did you ever mention to the prisoners that Ormsby had been pointed out as the man?—I did.

When?—The same day.

Whom did you tell?—I told them all; I think I told the Handwich's.

Did you tell them what the gentleman's name was?—No; I did not know his name till the day before I left Dublin.

Did you mention Mr. Tandy?—Yes, I always mentioned Mr. Tandy.

You

Robert Gilbert,

Sixth Day.
(May 9.)

You told them that Mr. Tandy came with the gentleman?—Yes.

You said you mentioned Mr. Tandy as coming with the gentleman who pointed out Ormsby?—Yes.

You said that Ormsby appeared very ill, and in the last stage of a consumption?—Yes.

Did he appear to be enfeebled with his disorder?—He did.

Had you known any thing of him before?—I never knew him before.

Did you see him afterwards?—I met him in the street afterwards, and saw him in a worse state of health than he was when he was in the prison.

Did you see that Mr. Lewis saw Graham?—He did; he was in the yard at the time.

What did he say as to Graham when he saw him; did he say he was not the man?—I do not think he did; I cannot say whether he did or not.

Was Graham brought face to face to him, or pointed out at a distance?—Pointed out at a distance; they were all in the yard at the time.

Graham did not know that Mr. Lewis came to see whether he was the man or not?—No, he did not.

Did Sheriff Thorp ever visit the prisoners in goal, the traversers?—He did.

Did he ever dine there?—No, never.

Nor sup there?—No, not to my knowledge, nor have any other kind of refreshment.

Can you account for the reason of your not having been called on the trial, after having acquainted the Handwich's and other prisoners of this error in Mr. Lewis in pointing out any improper person; were you summoned on the trial?—No, I was not, but I attended the trial almost every day.

You were not called?—No; they told me, if that gentleman was produced, it would be then necessary to call on me.

They did not think it necessary to show that Ormsby had been pointed out as the person who threw the rattle?—I do not know what their thoughts might be; I suppose they did not, or they would have produced me.

Do you mean to say, you communicated to them before the trial, that a gentleman, brought there by Major Tandy, had identified another person as the person who threw the rattle, but that they did not produce you?—Yes.

Were the prisoners visited by their counsel or agents between the day of which you are speaking, and the trial?—They were; and their agent was in possession of that fact.

How do you know that the agent was in possession of that fact?—I told it to the agent. I beg to say, there were no counsel there, only the agents.

Did they then communicate it to the agent?—The men told the agents, and they came to me.

Who were they?—Mr. Feara was one; and a gentleman here, Mr. Chambers, was the other.

State, as distinctly as you can, what passed between you and the agents?—I declare I cannot recollect.

The substance was, that you communicated to them the same information as you gave to the prisoners before?—No, I think the prisoners first communicated it to them.

Then they came to ask you about this?—Yes; I do not think they came particularly to ask me about it, for they did not seem to set much value upon it; we had a conversation upon it.

Can you recollect what that conversation was?—I cannot say what it was, it was very short.

Can you be certain that you told them the fact, of another man having been pointed out, by a person who came to the goal with Mr. Tandy?—Yes.

Are you lawyer enough to know, whether you could have given legal evidence as to the identity of Lewis?—Oh, certainly.

You mentioned Mr. Chambers, he was not agent to Graham?—He was not.

Was Mr. Feara agent to Graham?—He was; and he was a relation of my own, and I certainly told him every thing that I knew about it.

At what time of the day was Ormsby pointed out by Lewis, as the person who threw the rattle?—I think about twelve o'clock, I know it was the forenoon.

Was there any thing particular in his dress?—He had one of those searought coats, a whitish coat that buttoned together upon him.

You have said, that you understood you would have been called on the trial,
if

*Robert Gilbert.*Sixth Day.
(May 9)

if Mr. Lewis had appeared there, to have identified the man?—I did think I would.

Did not you say, you were told you would be called, if he was called?—Yes, I did expect it, but I was not summoned.

You stated, that you had never known who Mr. Lewis was, till the night before you left Dublin?—Not till the night before I left Dublin.

Do you know the object of Mr. Lewis visiting the prison?—I think to identify Graham; he asked for Graham.

Did he state that to be his object?—He did.

Did Harris or Moran visit the prisoners?—I never saw them.

Do you know their persons?—I saw Serjeant Harris before; I never saw Moran till I saw him here.

Did many persons visit the prisoners for the purpose of identifying them?—No, I do not recollect any except Mr. Lewis and Mr. Vignoles.

Were you at Green-street, at the time the bills were before the grand jury?—Yes, I was.

Do you know whether Mr. Lewis went before the grand jury?—I do not.

Did you see him there at that time?—No; I saw Mr. Tandy, but I did not see him.

You were in court when the case was before the petit jury, in February?—Yes; I am obliged to attend all the trials.

Was any thing said about this on that trial?—No, not a word.

Were Graham and Ormsby like in person?—They were alike in height, but Ormsby had a stoop, the other was a straight stout little fellow.

Who told you that the person who pointed out Ormsby was Mr. Lewis?—I was told that in confidence, and I would not like to mention the gentleman's name; I can name him if it is wished.

Who was it?—It was Mr. Stodart, a police magistrate.

What did he say to you at the time he told you this person was Mr. Lewis; I went over to the head police office before I came away, and I was in the front room, and he told me, that the gentleman who came to identify him, was a gentleman of the name of Lewis, of the county of Kildare.

How did he know that the person you saw was Mr. Lewis?—I cannot say; he was in possession of that fact as well as I.

How came he by that information?—Almost every person in Dublin knew it.

How did Mr. Stodart know that the person who came to the goal was Mr. Lewis?—I suppose the only way he knew it was, that the gentleman who came with Mr. Tandy was Mr. Lewis.

Mr. Stodart told you, that the gentleman who came with Mr. Tandy was Mr. Lewis?—Yes.

Are Mr. Tandy and Mr. Stodart in the same office?—No; Mr. Tandy is a police magistrate in the country, and Mr. Stodart in the city of Dublin.

Was there a similarity between Graham and Ormsby?—No; one was very healthy in the face, and the other a very sallow man.

How did the conversation begin between you and Mr. Stodart; how came you to go to the police office, and have this conversation respecting Mr. Lewis being the person?—I was an officer in the police office for seven years, and was very intimate; I told Mr. Stodart I would call before I went, and he had some message to send by me, and lent me some books; on coming, I went into the front room, and Mr. Farrell was in the room.

In what way did the conversation begin with Mr. Stodart about this?—It occurs to me now, that Mr. Stodart asked me what did I think my business was, or what was I going about; and I told him I did not know any thing I had to do in the transaction, except about the identity of Ormsby; then he told me that gentleman was Mr. Lewis, sub-sheriff of the county of Kildare, which I never knew before.

You said, just now, you received that in confidence?—He did not bind me to confidence; but it was a very touchy thing to talk of those things in Dublin; we did not talk about what we heard from different persons in Dublin, on those points.

How is Mr. Stodart appointed a police magistrate; by the government or the city?—I know he was elected by the city, for I remember the day that he was elected.

705
Henry Cooper,
Esq.
Sixth Day.
(May 9.)

Henry Cooper Esq. called in; and further Examined.

YOU have told the Committee, that when Mr. Poole came to apply to you, to be put upon the grand jury, you desired him to go to Mr. Sheriff Thorp; that Mr. Sheriff Thorp was then in the recorder's court, are you rightly understood?—If the question was read to me when that answer was put, I would be much obliged.

At the time Mr. Poole came to you, to ask to be put on the grand jury, did you tell him to go to Mr. Sheriff Thorp?—I referred him to Mr. Sheriff Thorp.

Did you say, that Mr. Sheriff Thorp was then in the recorder's court?—I rather think I did.

Do you recollect how many days before the opening of the commission that was?—I cannot recollect the particular date; I have no documents as to dates.

The commission sat on Wednesday, the first of January?—I presume it must be either Tuesday or Friday.

Was it the Friday or Saturday before the commission?—I cannot be positive, for there were so many questions put to me as an official officer, that I really wished to avoid answering those questions as much as in my power.

Mention what you recollect?—I think it was in the course of that week, and the recorder sat two days in that week.

Was it towards the latter end of the week?—I think it was either Tuesday or Friday.

Did you and Mr. Sheriff Thorp settle the panel immediately after the receipt of Mr. Kemmis's letter?—I attended the sheriff's office, and retired into a room from the public office, and there we examined the panel which he produced.

Was that immediately after receiving the letter of Mr. Kemmis?—I think it was the day after I received it; but, as I said before, I cannot be particular as to dates, having no document whatever with me.

Have you any reason to doubt it was the day after?—On the general outline, not having documents, I cannot be positive.

Have you reason to believe that you lost no time in settling the panel after receiving that letter?—The regulation of the panel was for the purpose of giving it to the sub-sheriff for his record panel; I think there was no alteration from that, whatever.

Was not that panel settled before Mr. Poole came to you, and had that conversation with you?—I do not think it was; I do not think it was settled for the record.

Will you say that it was not?—I think it was not, I am almost certain it was not. Will you positively assert that it was not?—I will not; but, as far as my recollection will serve me, I think it was not.

Mr. Joseph Henry Moore, called in; and further Examined.

Mr.
J. H. Moore.

DO you live in the city of Dublin?—I do.

In what street there?—Summer-hill, my office is in Bechelor's-walk.

What is your occupation?—I am a stock broker, and agent to an insurance office.

Had you a clerk of the name of William McCuller?—I had.

Have you now?—I have now.

How long has he been in your service?—I suppose three or four years.

How long have you been acquainted with Sheriff Thorp?—Since my introduction into the city, in the year 1816 or 1817; since I have been a member of the city.

Have you and he been on intimate terms?—Nothing further than corporation acquaintance.

Has he ever been at your house?—No, he never dined with me.

He had not been in the habit of transacting business with you?—No; he has not done business, either officially or otherwise, with me.

Your clerk, William McCuller, was one of the persons indicted?—He was, and I was surprised at finding it.

You knew he was, before you were put upon the grand jury, did you not?—I did not.

Is he constantly in your employ?—No; he has a situation in the fever hospital, and is with me from ten to half past five.

308.

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Mr.
J. H. Moore.
Swth Day.
(May 9.)

Do you mean to say, that till the bill came up, you never knew that your clerk, William McCuller, was accused as one of the rioters?—Certainly not, and for this reason; on the Monday after the riot, I naturally felt, with my fellow citizens, extreme disgust at the report that was spread abroad of the assassination of His Majesty's representative; I went, in my place in the corporation, and signed a requisition to the lord mayor, to call a meeting to address his Excellency. An address was forwarded, and I knew nothing of it, nor heard anything at all further. When I came back, I found there was a paragraph in the paper alluding to me, or some one connected with me. I was not in the theatre, and I thought it might allude to my young man. The editor of one of the newspapers living near me, Mr. Lovison, I went in and told him, that it did not allude to me, for I was not there; and it is alluded to my clerk, I believed it was not correct. He told me, "I can vouch for your clerk, for I sat near your clerk, and he never took any part;" and the magistrate, Sir G. Neville, told me, that he could vouch that he never took act or part in the theatre that night.

Had you any communication with your clerk, William McCuller, about the theatre?—I asked him, had he been in the theatre; he said he was, and that he had not taken any part in it whatever; and that he could not be the person alluded to.

Did William McCuller attend your office from the time of the riot till the time you went before the grand jury?—He did.

Was he apprehended?—He was not.

He was not absent from your office during that time?—He was not.

You have stated positively, that you saw him daily?—With the exceptions of the holidays at that period of the year.

You mean to say, you had no communication or conversation upon the subject?—None, whatever; and I was surprised at finding his name was in the indictment, and interlined in the indictment; and the reason why it was not known afterwards, was this, although there were ten in the indictment, in the statement by the Right honourable the Attorney General, on which the jury founded their remonstrance; he stated in open court, that there were but five persons returned or accused in the indictment; of course, we as jurors, held our tongues, as to the number actually in it.

Had you often been on grand juries before?—I have been in the course of attending grand juries since I became a corporator.

Had you sat on bills for riots before that time?—I had.

You know of course, that to constitute a riot, there must be three persons?—I had not that legal knowledge; in the common bills of indictment it runs, I think, "with other persons unknown," or some words to that effect.

Having sat as a grand juror on rioters before, did not you know, that in a technical and legal sense, there must be more than two to constitute a riot?—Certainly not; nor did any of the jurors who sat with us that day.

[The Chairman was directed to report Progress, and ask leave to sit again.]

7.

House of Commons.

MINUTES OF EVIDENCE,

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of Dublin.

Mercurii, 14^o die Maii, 1823.

Sir ROBERT HERON, Baronet, in the Chair.

Mr. WILLIAM LEWIS, called in; and Examined.

WHAT is your name?—William Lewis.

What is your situation?—I am an attorney by profession.

Do you recollect going shortly after the riots to the gaol of Newgate?—I do.

Do you recollect for what purpose you went?—I was called upon to go to the gaol of Newgate, to see if I could identify any of the prisoners that were in custody for the riot at the theatre.

Do you recollect who went with you?—Major Tandy.

Do you recollect whether the prisoners were shown to you?—I was shown the yard in which the prisoners were.

Did you point out any person there, as the person who threw the rattle?—I did not point out any person there, that threw the rattle; but I did point out the person of a man, who answered the description of the person, that I thought threw the rattle from the gallery.

Did you ever afterwards hear who that person was?—I never saw until I saw it in the papers at Shrewsbury.

It was not George Graham?—I do not know that it was not George Graham.

You did not point out a person that you thought was the person who threw the rattle?—I did in this way; the man that I thought threw the rattle, was a man dressed in a particular garb, and the dress of that man answered my view of him in the gallery; but I could not identify his person.

Were you told afterwards, that that was not the man?—I was not; I was told that he was not then a prisoner.

You were told that the person you pointed out was not then a prisoner?—I was.

Do you recollect afterwards being shown Graham?—I believe I do; I am not quite certain, I think I was shown Graham.

And you did not identify him?—Certainly not.

Do you know the under gaoler?—I think I should know him; I never saw him but on that occasion.

He was present on that occasion?—He was.

And you showed to him the man who you thought was the man who threw the rattle?—Yes, I pointed out the man to him.

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*Mr.
William Lewis.
Senneth Day.
(May 24.)*

Mr.
William Lewis.
Seventh Day.
(May 14.)

Do you now take upon yourself to say, that the man you pointed out to the under gaoler, was the man who threw the rattle?—I do not.

Do you now undertake to say, that George Graham was not the man who threw the rattle?—I do not.

Mr. Joseph Henry Moore, called in; and further Examined.

Mr.
J. H. Moore.

DID you attend the grand jury in January last, under the impression, that bills of capital indictment were to be preferred before you?—Public rumour spoke to that effect, and I knew nothing to the contrary, until the council for the crown stated, that bills would not be sent up capitally; the general impression was so, certainly.

Were not the jury much surprised when they found capital bills were not to be preferred before them?

[The witness was directed to withdraw.]

[The witness was again called in.]

Were you aware that certain prisoners were committed capitally, for the playhouse riot?—I can only speak from public report; such was the public report of the legal proceedings; I knew nothing until I heard it declared by the judge, that it had been withdrawn in a negative kind of way; I can answer that the court declared that the capital charge had been withdrawn.

Your impression that a capital charge would be preferred, was not removed until after the grand jury was sworn?—Until after the counsel for the crown declared that it was withdrawn, my impression was, that we were to try a capital offence.

Were not the jury sworn before the counsel for the crown stated that?—I cannot undertake to say whether it was before or after, but I believe after.

Did you attend in court under that impression?—Certainly I did.

The Right Honourable William Canningham Plunket,

Was further Examined, in his place, as follows:

Right Hon.
W. C. Plunket.

DO you recollect the petit juries that were impanelled for the trials of the ribbon-men, in the beginning of November term last?—I recollect that there were petit juries impanelled for the trial of some ribbon-men, but I do not recollect who they were.

Do you recollect whether you challenged on the part of the crown, any, or how many, of the persons so on the panel?—I am almost certain there were challenges made on the part of the crown; how many, I cannot recollect.

Do you recollect the name of Barrett Wadden?—I recollect his name perfectly.

Do you recollect that he was the only challenge made on the part of the crown on that occasion?—I do not recollect that his name was called, I did not recollect having heard his name till the present occasion.

You stated on a former day, that you had seen the rules and regulations and extracts from the books of the Orange societies, would you have the goodness to state whether it was previous to, or subsequent to the riot at the theatre, that you saw those extracts?—Certainly subsequent.

Not before?—Certainly not before; I had seen the printed books before.

The question refers to the manuscripts?—Certainly subsequent; I never had communication with the person from whom I received them, till long subsequent to the riot at the theatre; I did not know the person.

John Crosby Graves, Esquire, called in; and further Examined.

J. C. Graves,
Esq.

WERE not you examined before the grand jury, as a witness upon the bills of indictment sent up in January last?—I was.

What was the conduct of the grand jury to you; did they behave with courtesy and fairness to you in your examination?—I conceive so, certainly.

They showed no disrespect or impatience during your examination?—Certainly not; ought I to state further?

Have the goodness to state any thing which comes within the question put to you?—On going into the grand jury room, I was requested to sit down near the foreman; a statement was made to me, "it is unnecessary to interrogate you, Mr. Graves; you will have the goodness to state what evidence you think material which you can give." I did make such a statement of the facts within my knowledge,

J. C. Graves,
Esq.

Seventh Day.
(May 14)

knowledge, and the jury heard them 'certainly' with courtesy and politeness towards me.

You were asked, on a former day, as to the several causes of irritation which existed in Dublin, under which the jury was impanelled; do you recollect, at any period subsequent to the 4th of November, within a few days of that date, the persons that were around the statue being dispersed by the military, and some persons being wounded in that transaction?—I do not recollect the fact; I recollect hearing of the circumstance.

Did you receive any informations on the subject?—No.

Did you see any informations on the subject?—No; I saw copies of informations on the subject. This is best explained by the facts I had necessity to refer to on my last examination; the statue is in another division of police from that at which I am a magistrate; the informations in the case of the statue, as well as in the case of the theatre, were taken at the office within that district; they transmit to the head office, at which I act, informations or reports on important subjects; on those with respect to the statue and the riot at the theatre, they did transmit them, and also I believe to the Castle, or to the attorney general.

They transmitted a copy of an information upon the subject on which inquiry is made?—They transmitted either a report or a copy of the informations; the report can be had if desired; of course my recollection must be very loose.

Have you any doubt that some persons dressing the statue were dispersed by military force, without any orders from the civil power?—I heard so; it was reported to us, and, never having been contradicted, I have no reason to disbelieve it.

Do not you conceive that would be an additional cause of irritation?—I certainly should contemplate it as one.

Have you ever seen the almanack for the year 1825?—I have, or rather the chronicle which is placed at the close of the almanack; it is bound up with the almanack.

A sort of annals of Dublin?—Yes.

That is furnished to the different offices at the expense of government, is it not?—It is.

And published by authority?—It is stated to be published by authority.

Did you ever see the account of the business at the theatre, as affixed to those annals as published by authority?—I did see two versions; it did happen that in two almanacks coming to my immediate notice, one of the copies contained one reading of it, and another another, varying in the phrases.

Then there must have been two editions of this almanack?—It should appear so; I remember remarking it at the time.

Do you remember which was the first edition?—I do not know which was the first; but I recollect one stating that on the night of the riot at the theatre, a heavy piece of timber, and another stating that a heavy log of wood, was thrown at his Excellency.

What did it say besides the piece of wood; do you remember?—A quart bottle, I believe.

Did it not state a certain description of persons it was thrown by?—Assassins, I think.

And they added that he providentially escaped its taking effect?—I think that was the statement.

You were at the theatre that night?—Yes.

Did you see such a heavy piece of timber, or heavy log of wood thrown at the Lord Lieutenant on that night?—No; I believe that occurrence, whatever it was, took place while I was in the act of taking Mr. Forbes, whom I had apprehended by myself and another magistrate in conjunction with me, from the theatre to the watch-house; I believe it occurred just in that interval, I did not see it.

What occurred?—I saw several things occur in the theatre while I was there.

What occurrence do you allude to?—The throwing of this piece of timber, whatever it was.

Do you believe there was ever such a thing thrown?—I do believe a piece of timber; as to the weight of it, I have a pretty correct notion, but I can have no doubt that a piece of timber was thrown; I saw it produced upon the trial, and I saw it in the police office.

Did it deserve, in your apprehension, the appellation of a heavy log of timber?—I think not; I think that was an exaggeration.

J. C. O'Connell,
Esq.

Seventh Day,
(May 24)

What sort of a log of timber did you see produced on the trial?—I saw it in the police office, and then measured it, I have not the precise measurement in my recollection; but I measured it for the purpose of being able to inform the attorney general, on his carrying on the investigation, of the size.

Would it have been fit to cut up for furniture?—It was precisely the head of such a rattle, as is bought in the toy shops to go to a masquerade, less than a watchman's rattle, it weighed eight ounces and a half.

Any drachmas?—I saw it at the police office, and the chief constable of the college office said, "it has been weighed, sir, and it weighs eight ounces and a half."

On a former day you were asked, what reason induced you to sign certain informations, and to decline signing a capital one, and you replied, you did not decline signing any information, at any time when you were in the office?—Or at any time, the mistake in the terms used that night, (I suppose I ought to have been more particular in explaining it,) arose from confounding information and committal; I could not, at any time, have refused to sign an information; in taking an information, I conceive a magistrate has no duty to discharge, but to see that the witnesses statement is taken down fairly; that if he is a witness of that description in life, that requires assistance, he shall be so interrogated, as to draw from him all the facts with which he is conversant on the subject, and when those are taken down correctly, to attest them by the signature of the magistrate; and that I never declined doing, or have thought of declining doing; the other fact of the committal, is a fact of quite another nature; I consider a committal, as applying the law of the case to those facts, as forming the best judgment the magistrate can, upon the legal crime appearing to him to arise upon those facts, and framing that committal according to his view of the crime committed.

Is the early part of your examination, you were asked, whether it was even proposed to you to sign the committal of Forbes, to which you answered, "no;" and in a subsequent part of the examination, the question was repeated, varying the terms as to informations, and you said, "not directly;" then you were asked, "Was it ever proposed to you to sign his committal," you say "no;" you then enter into reasons why it was not; then you were asked, "Was it proposed to you to commit upon the capital charge upon those informations," and you said, "not directly." Will you explain rather more fully, what you mean by its not being directly proposed?—There was no direction or communication to me in particular; to me as an individual, and with respect to all that I would beg of the Committee to consider, that any thing of that nature I considered at the time to be matter of official intercourse, I have at all times held it sacred, and unless there is something necessary to this inquiry, (and I do not see that it touches it,) I would beseech the House not to call upon me to disclose that; there is a great deal of intercourse necessarily between my office and the government; nothing that ever passed in that office with any officer of the government ever passes by my lips to any one, nor shall I do, except under the immediate direction of the House; if I am directed by the House to disclose any thing respecting those communications, I shall do so fully and fairly; if I once begin to do so, I will do it fully; I would rather do so, than appear to fence with the questions; but it does not appear to me to touch upon the subject of the grand jury or the sheriff of Dublin; I beg to submit this respectfully to the Committee.

Was it proposed to you at any time, or in any place, to sign any informations respecting the persons who were accused of rioting at the theatre, or of conspiring to kill and murder the Lord Lieutenant, without having the informant before you, or without examining him as to the facts stated in this information?—I should say no, as to that; am I called upon to state further; I have already stated that I have not the slightest personal objection to any question; a great part of the investigation in question did not take place in my office; it took place before the law officers of the crown; from the circumstances, I dare say, of their not wishing to appear in a public police office; many of the witnesses in question resorted rather directly to the Castle, than to the police office; many of the informations were taken in the Castle; the notes of those examinations did not come before us at the time the commitments were signed, or at any time previous to that. I have stated to the Committee, the general direction that came, that the commitments should be signed; there were before us at that time a great number of notes of informations existing in the office; before the commission came on, all the notes of examinations that had

J. C. Green,
Esq.

Seventh Day.
(May 14.)

had been taken at the Castle, were brought down to us: all the witnesses in question or many of them, I know had been sworn by a magistrate; I among other magistrates was sent for from time to time; I was desired to swear a witness; I did swear the witness and then withdrew, and the notes of the examinations were then taken, they did not take the shape of an information sworn before a magistrate; but several days before the commission and the bills being sent up to the grand jury, they sent down to us, and we were desired to bring the persons before us and to swear them to those, they being put into the shape of informations; and to bind them over to appear on the trial, which we did.

Are you to be understood that no such proposal was made to you?—The only proposal or direction given to me, or to the magistrates generally, was that conveyed on my former examination; and when those notes of informations came before the magistrates to swear, we had of course the witness before us; we interrogated him again, he swore to the informations, and in many instances, in doing so, he altered the notes of examinations as before taken, in several instances he altered them considerably; we do not swear them without having the witnesses before us, and without interrogating them particularly.

Was it proposed to you at any time, or in any place, to sign any informations respecting the persons who were accused of rioting at the theatre, or of conspiring to kill and murder the Lord Lieutenant, without having the informant before you, or without examining him as to the facts stated in his information?—No; it never was proposed to us to swear those informations at all, until subsequently to the committals, when we had the witnesses before us, and when we were directed to have the witnesses before us in the first instance; we had, at the police office, before us, in the ordinary course, several witnesses appear, who had made informations before us in the ordinary course; they were taken in the usual way, the party was attested to them, and the jurat subscribed by the magistrate, and the party bound over to prosecute; but there were other witnesses who went to the Castle, who did not come to the police office, who made statements which were taken in the shape of notes, but some of them attested by a magistrate, but we did not see them at all, till they were sent down to us to be attested, in the shape of informations; the witnesses were then brought before us, and interrogated as to the facts; they then ultimately subscribed them, and were bound over to attend the commission.

Are you to be understood, there were no informations before the committals?—I have stated, that there were some informations in the police office, one of the principal ones against Forbes I had myself signed; others were sworn before other magistrates; but there was a great body of other examinations not at all before us.

Did you, in any case, refuse or decline to sign any information on any account?—No.

Any committal?—I stated the facts, with respect to the committals, upon the last occasion; I did not ever on another magistrate in my office the duty of signing the committal, for the reasons which I submit, were sufficient ones, which I stated on my last examination; and in point of fact, I did not sign any committal.

Will you say yes or no to the question; was it proposed to you at any time, or in any place, to sign any informations respecting the persons who were accused of rioting at the theatre, or of conspiring to kill and murder the Lord Lieutenant, without having the informant before you, or without examining him as to the facts stated in his information?—I have before said no.

Were you ever called upon to attest any information which you were not suffered to read?—No.

Did you attend at the trial of the ex officio information?—Yes.

Were either of the two individuals that were examined upon that trial, named George Atkinson or John Atkinson, examined by the grand jury?—Certainly not; and I conceive it impossible they could, because they were two of the parties against whom bills of indictment were sent up before the grand jury.

Were the bills against them ignored?—Yes, they were.

You were at the theatre, you say, on the night of the riot?—Yes.

When you were there, were you inclined to believe there was any attempt at assassination?—I can state the facts that I saw, I did not see the bottle till it was held up; it was held up, and there was a cry of shame; I did not see the fact of the bottle striking, that circumstance induced me to leave the part of the house where I was, intending to go to the gallery from whence the bottle was thrown, in so doing, I observed that the noise and disturbance, the riot as I considered it, extended to the boxes, in those boxes I apprehended an individual, one of three in

J. C. Green,
Esq.Seventh Day.
(May 14.)

the act of using whistles; I took that individual to the watch-house, and I have reason to know, that it was during my absence from the house, in taking that individual to the watch-house, that the rattle, the piece of timber was thrown.

While you were at the theatre, did you from what you saw there, conceive there was a plan or a plot for assassination?—No, it never occurred to me at the time I left the house.

You were absent at the time the rattle was thrown?—I conceive so, for when I came back I heard a voice addressing the house from the middle gallery, advertising to that circumstance as having taken place, and it did not take place before I left the house.

How long have you been in the magistracy?—Between eight and nine years.

Have you ever known any disturbance occasioned on the ceremonies of dressing the statue, by firing off guns and pistols in the streets, and alarming the inhabitants of College-green and its vicinity?—I never have been passing in the streets at the hour that those occurrences usually took place, until I became a magistrate of the head office of police, which was only about a year and a half ago; but I have heard of such things, I have reason to know that the thing took place, that there was noise and letting off of guns; and confusion, and a crowd of people assembled, some of whom felt disapprobation, and some approbation.

The question refers to the firing of guns and pistols?—Yes, I have heard of them.

Were any of the depositions laid before the grand jury?—I believe not; they are not, according to the existing law, laid before the grand jury unless they are called for, which was not the case here.

Did you see any of the placards that were thrown about the theatre?—I did.

Will you state what was printed on those placards?—I saw, in the first instance, the papers showering down from the opposite side of the house, and afterwards from the side of the house on which the Lord Lieutenant sat, the purport of which I did not know; one of them fell into the box of the Lord Lieutenant. A magistrate sitting in the box in which I did, Alderman Darley, left the box, on an intimation of what appeared on one of those placards, and went up to inquire after them; he went up with a view to ascertain who had distributed them; that he failed in; he came down, and showed me three of them; on one of them there is printed, "No Popery;" on another, "The Protestants want Talbot, as the Papists have got all-but;" and "Fleming, though he has got the mace, may find it hard to hold his place;" another was, "Ex-governor of the bastards must change his morning-tune."

Did you attend the ex officio trial?—I did.

Did you hear the evidence?—I did.

Were not those persons of the name of Atkinson the principal witnesses for the prosecution?—They were principal witnesses; there were twenty witnesses; they formed two of the twenty.

Those, who in your estimation, were the principal witnesses?—They deposed to a great number of facts commencing before, and giving the previous history of the plot and the facts, as occurring at the theatre, they certainly did go over the whole case more than others did.

They were not examined before the grand jury?—No, certainly not, they were both before the grand jury.

Do you know that it was the custom, and that it is the custom to hoist the flag in the castle yard, on the 4th of November?—Yes, it was, and still is usual.

And firing the park and tower guns?—Yes.

For the purpose of celebrating that day?—Yes.

During the eight or nine years you have been a magistrate, did you ever receive orders to prevent any riot or disturbance on the day on which the statue has been usually dressed?—I have not received them, but such orders have been given.

When?—I am convinced the attention of the magistracy has always been alive to it, and kept alive to it, I dare say, by orders; but I was a magistrate of another division, and that a remote division from that in which the statue is placed, until a year and a half ago.

What is your reason for believing such orders were given?—I have had intercourse with the head office of police, and I recollect the attention of the magistrates being called to it, and arrangements being made for the preservation of the peace, on the day in question, with particular anxiety.

For

J. C. Green,
Esq.
Seventh Day.
(May 14)

For the last eight or nine years?—I do not go so far back as that.
Six or seven years?—No; I do not think any apprehension of riots on that day did occur till within the last two or three years; there was an expectation produced by the circumstance of the King's visit, that the thing would be discontinued, and from that time the attention of both parties seemed to be more alive; on the one part to do the thing, and on the other to have it stopped; and from that time there has been more attention excited to it.

In point of fact, do you know that any riot or disturbance ever took place, on any occasion, within your memory, on the day when the statue was decreed?—Nothing that I know of, of any importance, until the July immediately preceding its being discontinued; I did hear of such a thing occurring on the July immediately preceding, (July 1822), that there was something of riot, a good deal of confusion, and one or two persons hurt.

Do you mean to say you do not, of your own knowledge, know that there were riots and confusion prior to July 1822?—If noise and firing of guns are to be so considered; I do not recollect any mischief done, or any thing which is in general considered as a riot.

Was there not a procession on such an occasion?—Yes; regular formal processions until the year 1806, I believe.

Were those processions always peaceably attended, with no insult to any person in the city of Dublin?—I cannot pretend to say that; but I cannot assert that they were; I was rather a young man, and not in the police till several years after that.

The question refers to the last six or seven years; were not those processions attended with insult to some of the inhabitants and citizens of Dublin?—I cannot speak to it as a matter of fact, but I believe there were insults; I saw frequently paragraphs in papers, a day or two after, speaking of insults, but I do not know of them.

You were a magistrate in Dublin during that period?—From the year 1815 I have been a magistrate.

Had you any directions, on the last occasion, to preserve the peace?—Very anxious directions.

Directions much more strong than previously?—It was apprehended there might be an attempt to dress the statue, in contradiction to the wishes of government, and in contravention of the wishes of the lord mayor; there were greater precautions taken on that than on any former occasion.

Christopher Galloghly, called in; and Examined.

WHAT is your name?—Christopher Galloghly.

What is your situation?—A peace officer attached to the head police office in Dublin.

C. Galloghly.

Were you a witness before the grand jury, in January 1823?—I was.

How did the grand jury conduct themselves towards you when under examination?—As I conceive, as a grand jury ought to do; I had been before a grand jury before, and in the same manner they have treated me, as I was by the former grand jury.

Was it with civility and patience?—Yes.

They heard your whole story?—Yes.

Did any thing whatever offensive happen to you, while you were in the room?—Certainly not.

Were you examined before the petit jury on the ex-officio trials?—No.

You were not called as a witness for the crown?—I was not; I was summoned and in attendance, but I was not called on.

Did you see much of the riot we have heard so much of?—No, I did not.

You apprehended some of the rioters?—Yes, I was with Alderman Darley, when he apprehended Henry Handwich.

What passed when he apprehended Henry Handwich?—There was a great deal of noise in the gallery, and some said that Handwich should not go; others said that Handwich must go; Handwich said he would go with Alderman Darley; I had him by my left hand, and Alderman Darley had him by his right; some persons came between Handwich and I, he still said he would go with Alderman Darley, and he came; and we left him in College-street police office.

Had you ever any conversation about the bottle, of which so much has been said?—I had; I was placed outside of the theatre with other peace officers;

S. O'Reilly.

Seventh Day.

(May 14.)

Crosby, a peace officer, came and said, there was a bottle thrown, I proceeded with Crosby and Irwin another peace officer, to the gallery, and we mentioned that we heard a bottle was thrown; they all said, that no such thing was thrown from that quarter of the house; that it was not thrown there, I mentioned to Handwich in particular, surely no person would be so daring, or words to that effect, as to throw a bottle at the representative of Majesty, much less at any individual, for they do not know what injury may be done. Handwich said, "no person there" would throw it; I replied, says I, "if you had seen any person, I conceive it was your duty to take him into custody," and several said, they would have taken any person into custody, that they had seen throw the bottle.

Are you a member of any of the Orange lodges in Dublin?—I am not.

Do you know of any other persons belonging to the police that are?—I cannot say from my own knowledge, but I have heard of such.

William Irwin, called in; and Examined.

William Irwin.

WHAT is your name?—William Irwin.

Do you belong to the police office?—Yes.

Were you a witness before the grand jury, in January 1823?—I was.

Were you examined on the ex-officio trial?—I was not.

How were you treated, when you were brought into the grand jury room, with civility or otherwise?—With civility, as gentlemanly conduct as could be.

And patience?—Yes, the same as at any other time that I have been examined before the grand jury.

Mr. Benjamin Rilly called in; and further Examined.

Mr. Benjamin Rilly.

HAVE you any thing to produce?—I have; this is the panel of the February commission of 1820, and a return with reference to it.

[The witness delivered in the state, which was read as follows:]

CITY OF DUBLIN.—AN ACCOUNT of the Number of Persons on the Panel returned by the Sheriffs of the said City at the Commission held on the 14th of February 1820.—showing the lowest Number of such Persons called to compose the Grand Jury, the Number in the Panel of the 23d or 24th Grand Jury; the Number of Common Councilmen on the Panel Not Sworn; the Number of Common Councilmen on the Panel Sworn; and stating, whether the Panel was exhausted or not, or whether called on *FINES*.

	NUMBER on the PANEL.	NUMBER to which Panel called before Grand Jury Sworn.	NUMBER on the Panel of the 23d or 24th Grand Jury.	NUMBER of Common Councilmen on the Panel Not Sworn.	NUMBER of Common Councilmen on the Panel Sworn.	Whether Panel exhausted, or called on <i>FINES</i> .
1820. February.	Eighty-four.	Eighty-four.	Eighty-four.	None.	One.	The Panel was exhausted, but there is no entry therein to show that it was called on <i>FINES</i> .

Is the panel you have now delivered in, marked so as to enable the Committee to distinguish the number of corporators?—The return accompanying it will enable the Committee to see that.

Is that the panel returned next, after an election of corporators?—It is the next after the election in the year 1819.

Is that the one which was missing when you were before examined?—Yes, the panel of February 1820; at that time there was not any commission in January.

You were asked, whether it was not a notorious fact, that, immediately after the election of corporators, there was a larger number put upon it, by way of compliment to them?—That question was put.

How does that fact appear?—I stated, that it appeared that one person, being a common councilman, was sworn on the jury; I have examined the panel with reference

reference to the members of the common council, and I find that man is the only common councilman upon the whole panel, amounting in number to eighty-four.

And that is the panel returned next after the election of common councilmen of 1810?—Yes.

Were you in your present situation in the year 1803?—I was.

Do you recollect bills that were preferred against Mr. Emmett at that time?—I remember the occasion.

Do you recollect the manner in which the grand jury answered upon that occasion?—I cannot at this distance of time, bring any circumstance to my memory, with respect to that event.

The bills were of a capital nature, were they not?—For high treason, if my memory serves me.

You do not recollect the manner in which the grand jury answered?—I cannot bring that to my recollection.

Have you never heard?—I was in court at the swearing of them most probably.

Have you never heard that circumstance talked of since that period?—I never did.

Can you refer to the grand jury panel of 1803?—I dare say it can be come at.

Do you recollect the trials of the Sheares' in 1798?—I do.

Do you recollect the manner in which the grand jury answered upon that occasion?—I cannot say.

Whether consecutively or not?—I cannot say.

Nor whether they did on Emmett's trial?—Nor can I speak to that: those are the original panels, of which I had copies before the House on a former night.

[The witness delivered in the same.]

[The Chairman was directed to report Progress, and ask leave to sit again.]

87-
Bryan's Reply.
beneath Day.
(May 14.)

8.

House of Commons.

MINUTES OF EVIDENCE,

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of Dublin.

Veneris, 23^o die Maii, 1823.

SIR ROBERT HERON, Baronet, in the Chair.

Mr. GABRIEL WHISTLER was called, but did not answer.

Mr. William Gifford, one of the Messengers of the House, was called in;
and Examined.

YOU went to Dublin for the service of the persons that were first ordered to attend, did you not?—I did.
Was Gabriel Whistler sub-sheriff of Dublin, one of those?—He was.
Did you serve him?—Mr. Mansfield received the order for Mr. Whistler.
Was he in the sheriff's office at the time?—Mr. Mansfield was.
Did you serve him at his office?—Yes; Mr. Mansfield said he would take care that Mr. Whistler should have the order.
Was it served at the usual office?—Yes.

[The witness was directed to withdraw.]

The Chairman was directed to report to the House, that Gabriel Whistler, who had been summoned to attend, had not attended in obedience to his summons: After a short time the Committee was resumed.

Major Henry Charles Sirr, called in; and Examined.

WHAT is your name?—Henry Charles Sirr.

What is your situation?—A magistrate in the head police office, in Dublin.

Do you recollect the 14th of December last, when there was a riot at the theatre?—I recollect the 14th of December last.

That was the night on which there was a riot at the theatre?—I believe so.

Do you recollect whether the state of public feeling in Dublin, was at that time much agitated?—On that night it was, and previous to that it was.

Do you recollect any of the causes which led to that irritation?—I believe, the prevention of the dressing of King William was one.

Do you imagine that that irritation was much increased by the committal of some of the persons, supposed to be concerned in that riot, under a capital charge?—Undoubtedly.

You are one of the magistrates that committed one of those persons, under the capital charge?—I am.

Can you state to the Committee, the circumstances under which you made that committal?

*Mr.
William Gifford.*
Eighth Day.
(May 23.)

*Major
H. C. Sirr.*

Major
H. C. Sher,
Eighth Day,
(May 12)

committal?—I made that committal under the directions of the officers of the crown.

What officers of the crown?—The attorney general, the solicitor general, and Mr. Townsend.

Had you, at the time you made that committal, informations before you to convince you that it was a capital crime that he was charged with?—There were a variety of informations taken on the subject; I was not aware at the time that it was a capital charge, until I was desired to make out the committal.

You are understood that you made that committal in pursuance of directions from the law officers of the crown, without having informations before you, convincing you that they authorized a committal for a capital crime?—I did not know the extent of the offence until I was desired to make out that committal, from the variety of informations which were taken in the head police office, and having been laid before the law officers, it was necessary to get their opinion upon it before the committal was finally made out.

Are you to be understood, that you saw all the informations which were taken upon the subject, previous to your having committed the person?—I saw several of them, I do not believe I saw all.

Where were the witnesses chiefly examined?—Some at the head office of police, and some in the under secretary's office at the Castle.

After the witnesses were sworn, was not the magistrate directed to leave the room?—Sometimes he was, sometimes not.

Were the informations which were taken during the absence of the magistrate, afterwards laid before the magistrate for his perusal?—Several of the witnesses examined at the Castle were afterwards re-examined in the office and their informations taken.

Was that after they were committed on the capital crime?—I believe not.

After Forbes was committed?—We had taken informations prior to his committal.

Were the persons bound over to prosecute previous to his committal?—I believe they were.

By you?—By me, whenever I took the informations, certainly; three magistrates are in the office; it will sometimes fall to the lot of one, sometimes of another, to take the informations.

Are you to be understood, that from your own judging of those informations which you saw, you conceived Forbes had made himself liable to be committed for a capital offence?—I conceive, from the high authority from whom I received the directions to make out the committal, that there was sufficient.

If you had not received those directions from high authority, would you have committed Forbes for a capital offence?—I believe not.

Were you brought up as a lawyer?—No.

What had been your private education?—Military.

Were you then acquainted with what would amount to an act of high treason or a capital offence of that description?—In some instances I might be.

In the present instance, were you in doubt?—In the present instance I should not have thought there was anything of high treason in it.

Should you have thought there was sufficient to amount to a capital offence, or had you doubts upon that subject?—I had doubt, certainly.

In consequence of those doubts, did you submit it to the law officers of the crown?—I was guided by them.

In consequence of the doubts you entertained as to the offence amounting to a capital charge or not, did you take the opinion of the law officers of the crown?—No, it was not in consequence of that.

In consequence of what was it then that you took the opinion of the law officers of the crown?

[The witness was directed to withdraw.]

[The witness was again called in, and the question proposed.]

It was in consequence of what was done, certainly, that I received the orders of the law officers of the crown.

Did you apply to the law officers of the crown for their opinion upon this matter?—No.

What are the Committee to understand by your saying, that you received the directions of the law officers of the crown?—It was considered as a crown prosecution, and immediately under the direction of the officers of crown; and as magistrates,

Major
H. C. Surb.

English Day.
(May 23)

wates, we receive their instructions, from time to time, on the informations that were taken.

You are understood to say, that this was a criminal case, in which the crown was one party; are you in the practice in such cases, of acting by the instructions of that party?—Certainly.

In your capacity of a magistrate?—Certainly.

As a justice of the peace?—Yes, as a justice of the peace.

How long have you been a justice of the peace?—As a police magistrate, nearly fifteen years.

Before that period, in what capacity did you serve?—I was likewise a magistrate. For how many years before those fifteen years?—About nine years I believe, I do not exactly recollect.

During the whole of that period, has it been your practice in your official situation as a magistrate, to act according to the directions of the crown?—No.

Since when did you commence this practice?—It is the practice in crown prosecutions.

Has it been your practice, during the whole of those four-and-twenty years, in cases where the crown is the party prosecuting, to take the instructions of the officers of the crown?—No doubt.

Do you mean, that you never exercise a discretion yourself, or that in all cases whatever your opinion might be, you have held yourself bound by the instruction of the crown lawyers?—There are some cases that I should suppose do not require their advice.

Suppose they have given you instructions, and that your opinion was different, has it been your practice to follow your own judgment, or the instructions of those officers?—Whenever it was my duty to resort to them, I always considered from such high legal authority, that I was correct in attending to their advice in preference to my own.

In what way did you resort to them upon those occasions?—To know how I should proceed.

What do you mean, by resorting to the officers of the crown?—I always considered it my duty, for any advice I might have occasion for.

What do you mean by the term resorting; what did you do, that you call resorting; did you go to them yourself personally?—Undoubtedly.

Did you state the case, and receive their instructions?—Certainly.

Was this ever in writing, or by verbal communications?—Verbal communications; or through the solicitor of the crown.

Was it to the solicitor you always went?—I have frequently done it; I do not always do it; in those cases only when it became an arduous matter, and it became necessary.

Are you to be understood, that whenever it becomes necessary to resort for instructions to the crown lawyers, you go to the solicitor for the crown?—Occasionally, as it may be necessary.

Did you ever go directly to the crown lawyers, without going to the solicitor?—It might so happen.

What do you mean by those cases in which you deem it necessary to have recourse to their instructions?—Only in cases of state affairs.

Do you mean the cases of prosecutions for political offences?—Certainly.

Is that your rule in all political prosecutions?—There may be some minor offences that it would not be necessary to do so.

In all political offences of the least importance?—In all great offences.

Suppose a man were arrested on a charge of sedition?—Certainly, I should apply for instructions; I would take the informations without hesitation.

You would take the information immediately; and ask the crown lawyers for further instructions?—Certainly.

Should you in that case proceed according to their instructions, in preference to your own judgment?—It would be their duty to proceed; it would be my duty to take the informations, and act as a magistrate.

What do you mean then by acting by the directions of the crown solicitor?—Of course the crown lawyers must be consulted upon it in cases of treason.

Do you mean, that suppose a person were arrested for sedition, before you made out a warrant of commitment you would apply for instructions to the crown officers?—No, not in every case.

Would you in any cases of importance?—Not in regard to criminal always; 308. I would

Meyer
H. C. Ser.

Eighth Day.
(May 23.)

I would take it from the body of the information; I should not hesitate in committing, on my own judgment, where a case was so strong that there could be no doubt upon it.

On what cases is it that you describe yourself as being used to follow the instructions of the crown lawyers?—In such a case as the present I acted immediately under their advice.

In cases where you follow the instructions of the crown lawyers, what is it you do according to their instructions?—I act according to the instructions I receive.

In what manner do you act; what do you call acting according to the instructions you receive; do you mean to say you ever follow their instructions upon the question, whether you should commit or not?—I should not hesitate in the committal.

Nor whether you should take an information or not?—Nor whether I should take an information or not.

On what questions is it you have taken their instructions?—I conceive I have done my duty when I have taken the necessary informations and committed.

You commit according to your own judgment, and you take the information according to your own judgment?—No doubt.

In what respect is it you follow the instructions of the crown lawyers?—I do no more than that it is for them to proceed.

What do you mean by following the instructions of the crown lawyers?—As to the extent, if the information goes against several individuals, as to the extent of arrest, perhaps, how far each may be involved; some may be more deep than others, and it may not be wise in some instances to arrest perhaps.

If you have taken the information against the whole number, and made out the warrant of commitment against the whole; what further question remains for you?—If they are in custody, it is a different matter.

If they are in custody, how do you then follow the instructions of the crown lawyers?—I would commit certainly; it will be for them to prosecute the entire, or not.

In what respect do you follow their instructions?—I do not follow any farther.

Suppose a question were to arise, as to bailing the person to bail, whether you should hold him to bail, or to commit him to custody; should you follow the instructions of the crown lawyers?—Certainly.

Supposing a question should arise, as to the amount of bail to be taken; should you follow their instructions?—I should think it right so to do.

But only in political offences?—In political offences.

Suppose the question were to arise, whether a man should be committed or not for an alleged seditious expression; would you take the instructions of the law officers of the crown upon that?—I would take the advice of the assistant barrister in the office, upon that occasion.

By the assistant barrister is understood one of the three magistrates, of whom you are one?—Yes.

Suppose the question were to arise, whether this is a treasonable offence or not, and you had doubts in your own mind; would you also take the advice of the assistant barrister?—Certainly.

Suppose the question to arise, whether it was a misdemeanor or a treasonable offence; would you, in that case, take the assistant barrister's advice?—Certainly.

Suppose the question to arise, what amount of bail you should hold them to; would you, in that case, take the assistant barrister's advice?—I should certainly take the advice of my brother magistrates, in that case.

Suppose you, among yourselves, have no doubt, should you act without going further for advice?—If we had no doubts on our minds, we would act.

Do you mean to say it is only in cases where you and your brother magistrates differ, or where you doubt, that you go to the law officers of the crown?—Either that, or to counsel.

Do you mean to say, you ever go to other counsel as well as to the law officers of the crown?—We do.

You are not to be understood, that you take instructions from the law officers of the crown only in those arduous cases to which you have alluded, but from lawyers indiscriminately?—Certainly.

Has this been your practice during the whole of the fifteen years?—It has.

Did you ever, during those fifteen years, take the advice of the lawyer, for a prisoner?—No, I do not know that I did.

But

Major
H. G. Sirr.

Eighth Day.
(May 23.)

But very often of the crown lawyers, you say?—We have occasionally of the crown lawyers.

What other lawyers, besides the crown lawyers, have you ever consulted during those times?—There are barristers appointed as assistant barristers to the police establishment.

Are those for the prosecutors?—For police prosecutions.

Are those barristers counsel for the prosecution always?—Where it becomes necessary to employ counsel for the police, they are called in.

That is where you, the police, prosecute yourselves?—Where we prosecute ourselves.

Have you ever consulted them on any of the arduous cases of a political nature to which you have referred?—I believe we have, as well as I can recollect.

But more frequently the crown lawyers?—I do not say more frequently; I think I must not be understood with regard to that: great and arduous matters we would certainly consider it our duty to lay before the crown lawyers.

Great and arduous points of a political nature you would lay before the law officers of the crown?—Yes; before the crown lawyers.

Suppose information were laid, that an individual had used a seditious expression, drank a disloyal toast, for instance; how would you proceed in that case, after taking the information?—It might be a case to make the party find security only to keep the peace; it might not amount to a treasonable act.

Should you, in a case of that sort, consult the crown lawyers?—We might make our report upon it.

To whom?—We might make a report upon it to the government of the country.

Suppose the crown lawyers of the government, to whom you report, were to desire you to commit the person for a political offence; would you commit him, although in your own judgment, he ought not to stand committed?—If there was proof, that a man had committed such an offence, I think we would be justified in committing him.

But suppose your opinion was, that he ought not to be committed, and the crown lawyers directed you to commit him, would you commit him, or not?—If they desired me to commit him, I think it is very likely I would, if he was to be tried for the offence; but I would think such an offence as that would be bailable, and I would be bound to take bail.

If you felt you were bound to take bail, and the crown lawyers directed you not to take bail, which should you do?—I think I should be bound to take bail in a bailable offence.

Suppose any political character of note were denounced to you, by an information, as having been guilty of an act of sedition, should you, in that case, go to the crown lawyers as a matter of course?—No, not as a matter of course.

However high the political character was, against whom the information was brought?—No, I should think it was most likely I should make it known to the government of the country.

Should you then make it known to the government of the country?—I think I should.

Supposing the government were to direct you to commit that person, should you follow their directions as a matter of course, without exercising your own judgment?—I should certainly follow the direction of the government of the country, and I would use my own discretion, as far as I was capable of judging for the best.

Supposing your own discretion led you to say, that he ought not to be committed, but for the directions of government, would you feel yourself still bound, by the positive direction of government?—I should give the same answer as I did before if it was not a bailable offence, I should certainly commit.

Suppose, upon the evidence laid before you, you considered he ought not to be committed for this state offence; and suppose the government directed you to commit him, notwithstanding your own opinion of the offence not being a bailable offence, what should you do?—I think if the government ordered me to do it, I would do it.

Whatever your own opinion of the case might be?—Certainly.

Is this the practice of other magistrates, as well as your own?—I do not know.

Do you ever recollect an instance, in which, for a state offence, upon the facts laid before you, you yourself thought a person should not be committed, but nevertheless you were directed by government to commit him, and did so?—No, I do not.

308.

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Have

Mr.
H. C. S. S.
Eighth Day.
(May 25.)

Have you ever been directed by government, in cases of state offence bailable, to take a great amount of bail, and done so?—I believe I have.

Do you upon the question of the amount of bail, consider yourself bound in the same way by the directions of government in state offences?—In state offences, certainly.

Suppose an offence, not to be a state offence, but a common offence, for instance a larceny, or any common offence, do you in that case follow the directions of government?—No.

When any thing extraordinary comes under your notice, as a magistrate, do you not feel it your duty to make a report upon it to the government?—No doubt.

Are you not required to do so by the Act which constitutes you police officers?—Certainly.

Are there not some cases in which you cannot act, without consulting the attorney-general?—There are some cases.

Do you recollect some cases of admitting of approvers in cases of high treason?—I cannot do that without his approbation.

Should not you be subject to a penalty of 100*l*?—Yes.

All the other divisional offices report to you the informations they take?—Yes.

They are bound to do so by law?—I believe only when they are required.

You feel it your duty to be in constant communication with government, being bound by law to report any thing extraordinary which occurs?—Certainly.

Do you recollect any instance in which, being of opinion yourself, that a moderate sum should be taken, by way of bail, the government required you to take a larger amount of bail?—No, never.

Is there any thing in the Act of Parliament requiring you to follow the directions of government on the question whether you should commit, or not?—We are bound to make our reports to the government.

Is there any thing in the Act of Parliament, or in law, according to your understanding, which require you to follow the directions of government, as to whether you ought to commit a man, or not?—I do not believe it is particularly specified in the Act.

Or their directions as to the amount of bail?—No, certainly not.

In the case of the riot at the theatre, had you any doubt in your mind before you received the directions of the law officers of the crown?—I could not form an opinion without I saw the entire informations on the subject, which I did not see, certainly several of the informations were taken in another office, and I believe the principal informations.

You did not make up your mind at all, as to what offence you meant to commit for?—No.

Did you ask the law officers of the crown for their opinion?—I waited upon them for their opinion and received their orders upon the subject.

And made out the commitment without having seen all the informations?—Not the entire informations, certainly I did not.

Did you agree in opinion with the law officers of the crown in the nature of the commitment you made out?—Of course I concurred, or I should not have made it out.

Is there any distinction in your mind between consulting with government, and receiving directions from government?—I think I am bound to consult with government, when it is necessary.

Does the Act of Parliament direct you to receive the directions of government?—I do not recollect that it does.

With whom did you communicate first, upon this transaction of the law officers, the solicitor for the crown or the attorney general?—I think they were generally together.

The solicitor for the crown and the attorney general, were generally together?—Yes.

Which was the first day you saw either of them upon this business?—It will be impossible for me to recollect the day.

Was it the day of the riot or the day after?—It was not the day of the riot or the day after, I am sure.

Was it the day but one after?—I doubt very much whether it was, for we were very busy in taking informations from different quarters on the subject, for many days.

Do you think if it was not the day but one, it was the day after that?—It must have been some days after it.

Where

721

Major
H. C. Sir.

Eighth Day.
(May 23.)

Where did you see them?—I believe at the castle.

Who was present?—Sometimes ———

Speak to the first time that you saw them?—The first time I doubt that there was any body present.

Whom did you see then, the attorney general or the solicitor of the treasury, or whom did you see?—I believe that Mr. Townsend was the first that I saw.

Who was Mr. Townsend?—He is a barrister I believe, a king's counsel, but I am not certain.

Had you sent to Mr. Townsend or did he send to you; had you gone to the castle to wait upon the law officers, or where you sent for?—I understood the question, who was the first I saw.

The question was, when you had first an interview with the law officers of the crown, and where?—It was some days after the riot at the theatre; I cannot be positive as to the day.

Where?—At the castle.

Who were present?—I do not know who was present the first time.

Whom did you speak to?—I believe the attorney-general and the solicitor-general were there.

Who else?—Probably Mr. Townsend.

Was the crown solicitor there?—I do not know that he was; he was sometimes there, and sometimes not.

Did the attorney or solicitor-general, or any person connected with government, send for you, or did you go there of your own accord?—I have gone there of my own accord, and I have been sent for.

On that business?—Yes.

Were you sent for on the first occasion, or did you go of your own accord?—I cannot tell.

Did the first communication upon this business come from you, or from the crown officers?—I think it is more likely that it came from myself, or from the office.

Have you any recollection of it?—No, I have not; but, on taking the informations, we generally communicated upon the subject of them.

Have you any recollection of the matter, either one way or another?—I have not.

Will you have the goodness to state what passed at that first interview?—I generally showed the informations that I took to the crown officers.

Had you taken any informations at that time?—I am sure I had.

Did you show them to the attorney and solicitor-general?—Undoubtedly.

What further passed upon the occasion?—I do not recollect.

Did nothing pass?—Indeed it is very likely there did, but it is so far back, that I cannot call to my mind the circumstances attending it.

Was there a conversation at that time between you and the solicitor and attorney general?—There must have been something said, but I cannot recollect what it was; it must have been upon the examinations, but there were so many taken that really and truly I cannot recollect it.

Did you receive any instructions at the time with respect to the examinations?—I do not recollect that I did.

Did you receive any instructions at the time with respect to the commitments?—No.

When did you see the officers of the crown again?—I saw them very frequently.

When did you receive directions from them?—On the commitment of the parties.

Of what parties?—Of Forbes, Graham and Brownlow.

What directions did you receive?—To commit Forbes for a capital offence, and the other two for a conspiracy and riot.

Was any thing said about bail?—Nothing was said about bail.

Are you confident nothing was said about bail?—I do not recollect that there was.

Did you, in consequence of those instructions, commit those gentlemen for the treason?—Not for the treason.

For a capital offence?—I did.

On what day was it that you committed them?—I believe it was the 23d of December.

Had you at that time read over all the informations?—Not the entire of them.

Had you signed any depositions or informations?—I had.

Major
H. C. Surr.

Eight Day.
(May 23.)

Had you signed any depositions or informations that you had not read?—No, never.

Did you hear the depositions given by the witnesses?—I did, certainly.

Did you sign any deposition that you did not hear given by the witnesses?—The depositions that I took must have been read to the witness, or he must have sworn that he read them.

Do you recollect having seen any deposition which was not sworn to by the witness in your presence?—Oh! certainly not; he must have been sworn to them before I signed them; I could not be guilty of such an act.

Do you distinctly recollect, that you did sign no deposition to which you had not seen the witness swear?—Certainly I do not.

In point of fact, for what offence were those persons committed?—Forbes was committed for a conspiracy to murder.

Upon the informations themselves, were you, in your judgment, satisfied, that there was sufficient evidence to commit him upon that charge?—Not as to a conspiracy to murder; I was not capable of judging, for I had not seen all the informations.

Upon the informations before you, was there sufficient to induce you to commit them for a conspiracy to murder?—Not upon those that were taken before me.

How did you proceed, previous to signing the committal?—I heard a great number of persons examined upon oath.

Upon the whole examination before you, were you satisfied there was sufficient to induce you to commit them for a conspiracy to murder?—In my own mind, I certainly should not, if it was left to myself, have committed for such an offence.

For what offence would you, in your own judgment, have committed?—For a conspiracy to riot, and a riot.

Then how came you, thinking in your own judgment, there was not sufficient to commit for a conspiracy to murder, to commit for that offence?—I had the legal instructions of the law officers of the crown; I concluded, from the importance of the informations they had before them, that it amounted to that.

In point of fact, you committed for a conspiracy to murder, on the instructions of the law officers of the crown, and not from your own judgment on the informations laid before you?—Certainly.

Did you act at that time as a justice of the peace?—Certainly.

Is it your habit, in crown cases, to commit without hearing the whole of the informations?—One information may justify a committal.

Supposing that one information should not justify a committal, would you commit without hearing the whole of the informations?—Certainly not.

In this case, did you hear the whole of the informations?—They were not all taken before me, or in the office.

How came you then in this case to commit, without hearing the whole of the informations?—I did not think it was necessary.

You did not consider that it was a case of a capital offence?—I must have considered it so, when the attorney general considered it so, his opinion was superior to mine.

But not in your own judgment?—I should not have thought, it so, until I heard the attorney general declare it.

How was it you did not hear the whole of the informations read to you, prior to your committing for the capital offence?—There were several informations taken at another office that I did not see, I saw copies of them certainly.

Did you see the copies of the whole of the informations?—I will not pretend to say that I saw them all, for they were very numerous.

Did you ask to see them?—No, I do not think I did.

Should not you conceive it your duty as a police magistrate, to see the whole of the informations prior to committal for a grave offence?—It does not come to my recollection at this moment that I read or saw them all, but I saw a great number of them.

Do you not consider it your duty as a police magistrate, to see the whole of the informations?—Probably it would be better if I did.

Has it been your habit prior to this, to see the whole of the informations previous to committing for a grave offence?—Certainly, all informations taken at my own office, at the head office, where the committal is issued from, certainly.

Then this is the only instance to your recollection, that you have committed for a grave

729

a grave offence, without seeing the whole of the informations?—I do recollect, and I do believe that I read the informations, on better recollection.

Did you read the whole of the informations?—Yes, it is so distant I cannot speak positively, but I am inclined to think that I read them.

Then you correct the prior testimony you have given?—It is so far back I cannot say; and I do assure the Committee, I must hope for excuse, I have not been very well and my memory is not so perfect as it used to be, after a very serious fit of sickness, and I should plead that excuse.

Was there any thing that distinguished the communication upon the present occasion, from the communication that you had at former times, during the time of your magistracy?—I think this was a case which required my communicating every thing to the government, that I knew upon the subject.

The question refers to cases of a serious nature on former occasions, did you communicate in a different manner now from what you had on any former occasion?—No, I think not.

Did you propose to the law officers of the crown, to take bail for Mr. Forbes, instead of committing him to gaol for the playhouse riot?—No, I do not think I did, I do not recollect any such circumstance.

Joseph Gabbett, Esquire, called in; and Examined.

WHAT is your situation in the city of Dublin?—Police magistrate and barrister of the 6th division of police.

You are magistrate of the division in which the theatre royal is situate?—Yes.

And in which the statue of King William is situate?—Yes.

Was there, in your opinion, a good deal of irritation of the public mind, previous to the riot at the theatre on the 14th of December?—A great deal of which I was personally a witness.

Will you mention the nature of those facts, to which you were personally a witness?—There were several attempts made to dress the statue; their was a deal of excitement of the public feeling produced by the presence of the police, for the purpose of preventing the dressing of the statue, that collected of course crowds, and excited a great deal of feeling in the public, on the one side of the orange party, who were anxious to maintain the point of dressing the statue in opposition to the lord mayor's proclamation, and the order of the government; and on the other hand, irritation in the minds of those who pursued that measure, and crowds collected by day and by night round the statue.

Do you recollect any persons having been wounded by the military round the statue?—I do recollect such a circumstance.

Was there any civil power present, when the military rushed out upon them?—No civil power was present at the time of the commencement of the business.

There were two wounded by the military, were there not?—There was a man that came before me at my office on the following morning, it did appear, that one or two persons, I think two persons, were wounded by the bank guard upon that occasion; if it is the pleasure of the House, I will state the circumstances that happened in the course of that investigation; it appeared, that a number of persons had come to the statue in the course of that night, and that some of them had actually mounted the statue and thrown a cloak round it, the bank guard came out upon the occasion, and endeavoured to disperse them; it appeared, that those persons were in liquor, and they gave some opposition to the military, and made use of some insulting expressions to the military; and it so happened, unfortunately, that one or two persons were on that occasion wounded by the bayonets of the military, on the alarm being communicated at the office to which I belong, one of our police officers went down; I believe one of those persons had been wounded before he went down, I made a report of it, and I believe there was an investigation upon it at the barracks.

Were you present at the enquiry which afterwards took place?—I was.

What appeared upon the subject of the orders to the military, as to their acting?—Upon the investigation which took place at the barracks, at which I attended, it appeared that there had been some orders, there were two orders for the direction of the officers of the guard, and the order was issued from the directors of the bank or governors of the bank, and that confined the attention of the guard to the defence of the bank; but there was another order under which they appeared immediately to have acted, which charged the bank guard with the protection of the statue from

308.

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being

Joseph Gabbett, Esq.

Major H. C. Sur.

*Eighth Day.
(May 23.)*

*Joseph Gubbett,
Esq.*
English Day.
(May 13.)

being disfigured; I saw the officer of the guard, I requested his attendance at my office that morning, and he stated that as his justification, stating that the one order appeared to disagree with the other, and I felt it my duty in reporting to the government, to call their attention to the circumstance of those orders being inconsistent, the one with the other.

Do you know whether they were written orders, or verbal orders?—They were orders of long standing; the officers upon that inquiry were not able to trace the origin of that second order, to which I allude, the order giving the protection of the statue in charge of the military.

Do you know whether it was written or printed?—I do not recollect that I saw it, but it was an order of some long standing; I was present when Sir Colquhan Grant, through whom these orders were to pass, said he knew nothing of it; the officers on that court of inquiry disclaimed having any knowledge of it, until it became a subject of inquiry.

Sir Colquhan Grant, is commanding officer of the garrison?—It was through him the order should have passed, if it had been a recent order; I do not exactly know his department.

What did you understand by an order of long date?—The officers who attended upon that court of inquiry, stated to me that they had endeavoured to investigate, that they had referred to the orderly book, the book in which the orders are stated; some record of the orders issued from time to time; the officers composing that court of inquiry, stated they had referred to that book of orders, and were unable to trace it, and I heard Sir Colquhan Grant disclaim having any knowledge of any such order.

Then in fact there was no record of the order shown to you at all?—The officers of the guard stated to me that there was such an order; he stated that to me the following morning, and that there was an inconsistency between that order and the other order for the government of the bank guard, and I reported it at the head office, and through them to the government.

Was there, in point of fact, any specific order ever shown to you upon the subject?—According to my recollection, it was read to me upon that occasion by the court of inquiry, and I have no doubt in my mind there was such an order, both from the report of the officer of the guard, and the officers on the court of inquiry. I did not see it, but I believe I heard it read; I am almost certain I heard it read.

You cannot form any opinion as to the date of that order?—No, there was no date to it, because if there had been a date to it, there would have been no difficulty in tracing it to its origin; but they denied its being at all in their power to trace the date of the order.

Did you attend the court of inquiry?—I did.

As a magistrate?—I was called upon as a magistrate, and attended there during the proceeding, not during the whole of it, but while the officers of my office were under examination.

Do you recollect the course that had been taken for ascertaining the date of the order?—I understood that they had called for the book in which all the orders of the division are entered; all the orders for the different guards for composing the garrison of Dublin. I understood they had a minute, or copy of all orders issued for the government of the different guards, and they had referred to that book for a long period, and were unable to find the date of that order.

Do you know the date to which they referred?—No; I was not present when they referred to that book.

Were there any informations produced before you from the persons who were wounded?—No, the person who was wounded went to the head office that morning, and I understood he swore informations there; it came before me. A gentleman who had actually mounted the statue was brought to my office as a prisoner, and I discharged that gentleman on taking bail for his appearance, in case he should be called upon to meet any prosecution upon the subject; the person who was wounded went to the head office, and swore an information there. I understood there was no prosecution afterwards followed up.

Did you not consult some persons on a capital charge, in reference to the riot at the theatre?—I committed Henry Handwich and Graham.

On a charge of conspiring to kill the Lord Lieutenant?—I did.

Have the goodness to state to the Committee the grounds of that commitment?—I had previously taken information in my office against those two persons, the one for throwing the nattle, and the other for throwing the bottle; I had committed them upon

Joseph Gubbott,

Esq.

Eighth Day.

(May 22)

upon those informations; I had taken several informations to that effect, as also to the general nature of the riot in the theatre, and I had committed them for further examination; there was an application made to me for bailing those prisoners, and upon that occasion really feeling it to a very serious case, and having understood that the government wished to have the business fully investigated, in fact it was commenced as a state prosecution; I thought it my duty to confer with the officers of the crown upon the occasion, and I did accordingly go to the courts, and I saw the attorney and solicitor-general there, and spoke to them upon the subject, and it was their opinion that I should not in that state of the business hail the persons, but that all the informations taken and to be taken, should be sent to them for their consideration; and they would after they had fully investigated the case, inform me of what their opinion was upon the subject; there was an inquiry then at the castle, before the attorney and solicitor-general, and also at the head office, for the course of six days, at the end of which I was called upon to attend at the head office for the purpose of revising the capital committals; I did attend there upon that occasion, and I did assist in framing, in concert with Mr. Graves, the barrister magistrate of that office, those committals; they were revised by the officers of the crown, the attorney and solicitor-general and Mr. Townsend, who conducts the prosecutions on the part of the crown, and I did sign the capital committals against those two persons against whom I had taken those informations; but I should also state to the house, that independently of those informations which I took at my own office, I was present at the head office of police, when a further information of a very strong nature, a much stronger than those I had taken, was taken there before the magistrates of that office under those circumstances; those informations having disclosed facts, which I thought amounted to evidence, to go to the jury to sustain the capital charge, I thought it was my duty to follow the advice of those three learned counsel, in signing the capital committal; I signed the capital committal only against those against whom I had taken the information, the one for throwing the rattle, and the other for throwing the bottle.

Did you or not coincide with the law officers of the crown in respect to the capital charge?—So far I did coincide that I acted in pursuance of the suggestions communicated from them to me, not immediately to me, but through the magistrates of the head office; one of those three gentlemen whom I have alluded to, was present at the time I signed the committal.

Had you been left to your own discretion, would you have committed for the capital offence?—It is impossible for me to answer directly that question, otherwise than thus; that I certainly, if I had been left entirely to myself, should have required the whole of the informations to be laid before me, to exercise my judgment upon them, but I do think that if I was pressed by the prosecutor, in an ordinary case to submit the case for trial in that shape, it would be my duty, there being evidence to go to the jury to sustain that charge, however I might as a magistrate discourage a rigorous prosecution, I should hold it to be my duty at the instance of an ordinary prosecutor of an intelligent description, I mean to sign a committal upon the capital charge.

Was there sufficient evidence came before you, in your opinion, to justify a committal for a capital offence?—I thought there was evidence to go to the jury with.

If you had been left to your judgment, would you have committed for the capital offence?—I confess, when the case came before me, on the application to admit to bail, I had a strong impression upon my own mind, and upon the best consideration I have since given to the subject, I was warranted in the opinion, that the facts disclosed before me, amounted to a constructive levying of war against the King, I really felt that at the time, and stated that without consulting with the counsel for the crown, as my reason for refusing to admit the parties to bail.

Your opinion coincided with that of the law officers of the crown?—As to the conspiracy to murder, I have not said so. If I was to recommend a prosecution in the most rigorous form, it would have been for a constructive levying of war, which amounts to high treason, if I was disposed to encourage a prosecution in a rigorous form, which I was not disposed to do, and seldom am disposed to do.

Are you to be understood, that your opinion did not coincide with that of the law officers of the crown?—I really acted a good deal in faith on the law officers of crown. I had that reliance on their knowledge, their talent, and their integrity. They having come to that result, after six or seven days investigation, I thought that it furnished a very sufficient ground, coupled with the facts which were before

Joseph Galders,
Esq.

Eighth Day.
(May 23.)

me individually, for signing the committals. I really did not speculate on what was likely to be the event of the prosecution.

Had you any opinion yourself upon the subject?—As to committing upon the charge for conspiracy to assassinate the Lord Lieutenant, I certainly had not, I certainly had come to no such determination at all. I had every indisposition to believe that such a conspiracy was formed.

And yet you felt yourself bound to commit for that capital offence?—I felt myself bound, on the advice of the law officers of the crown, after six days investigation of the case, being first satisfied, that there was evidence before me to go to a jury in support of that charge.

Do not you hold yourself personally responsible, as a magistrate, for your committals?—Of course, I am liable to the censure of the court of King's Bench, and am liable to the censure of Parliament, and I am liable to an action, if I misconduct myself.

Should not a magistrate make up his mind as to the committal?—I had made up my mind, that there was evidence to go in support of a prosecution, if it should be the pleasure of the government to prosecute in that rigorous form. I have frequently yielded to the solicitation of prosecutors before me. I have endeavoured to discourage prosecutions, and told them, that the prosecution was too rigorous, and was likely to fail. I have been pressed to take informations, and have taken informations against my own feelings; and where the counsel of the crown have pressed me to put a person on his trial in that way, and that shape, I thought it my duty, as a magistrate, to yield to it, and would have done it, if three counsel of less eminence had pressed me, on behalf of an ordinary prosecutor.

Had you heard the whole of the depositions?—No, I had not, there were several witnesses examined on the ex-officio informations, that had not been sworn before me.

Did you require to hear the whole of the depositions, prior to committal?—I did not.

That is not necessary?—No, I think it is quite sufficient for any prosecutor to produce such witnesses before a magistrate as furnish matter to justify the committal, and I think it is in the discretion of the prosecutor, what number of witnesses he shall produce; I can very well conceive, there may be very good and sufficient reasons for prosecutors not producing all their witnesses in a public office.

It is not necessary to produce sufficient witnesses to satisfy the mind of the magistrate, but only to satisfy the mind of the prosecutor?—It is necessary to produce witnesses to satisfy the mind of the magistrate, but not all the witnesses whom it may be in the power of the prosecutor to produce.

Were there sufficient witnesses produced before you to satisfy you as to that committal?—I do really think there were witnesses sufficient produced to justify the going to a jury for that offence, I do not say whether the case would be a strong one or a weak one, but if an ordinary prosecutor pressed me to put a person upon his trial, I think it would be my duty as a magistrate, because no inconvenience arises to the party, for if the information does not warrant the committal, it is competent to the party to apply to a judge to be admitted to bail, and I pressed upon the attorney when he applied to me and complained of delay.

What attorney?—The attorney for Handwich and Graham; when he complained of the delay of those persons remaining in prison without being bailed, that the inquiry was not merely depending in my office, but also at the head office, and at the castle, and I could not take upon me, even supposing I thought it a bailable offence, to bail, but that the course was quite open, and quite obvious to apply to a judge to have them admitted to bail, and a judge would then require sufficient grounds to be laid before him to justify the committal.

Does not the national bank immediately adjoin the statue of King William?—The statue is in immediate advance of the bank guard, and the sentinel of the bank guard is posted within a very few yards of the statue.

You have said, there was a man wounded by the bank guard?—Yes.

You say there were orders to the guards to prevent the dressing of the statue?—Yes, to prevent its being disfigured, I think, was the substance of the order.

Do you think it would be consistent with the safety of the national bank, that there should be a mob contending with the military at the door of the national bank, and that it would be consistent with the duty of the bank to allow such men to remain there?—That would depend upon the nature of the mob that was assembled.

Would

Joseph Gabbott,

Esq.

Eighth Day.

(May 23.)

Would you consider it consistent with the safety of the bank, to have a mob, either armed or unarmed, contending with the military at the door of the national bank?—Contending with the military, I should certainly think not.

Do you think it would be consistent with the safety of the bank to have a mob assembled at the door of the bank?—There have been mobs assembled there from time to time, that have not done any injury to the bank, it is a possible thing that a mob may be assembled there without injury to the bank.

After those rioters were committed by you, do you know whether any of them did apply to a judge to be bailed?—I never heard that any of them had, and I believe none of them did apply.

You stated that there was one counsel present when you were called upon to sign the commitment, who was that?—Mr. Townsend.

How long have you been in the office of magistrate?—I was appointed a magistrate, I think, in October 1815, I have been nearly seven years.

Was that subsequent to the publication of the work called the Digest of the Law?—Yes.

You were a barrister before that?—Yes.

How many years have you been a barrister?—Thirty years.

You were placed in the situation you now hold, as a testimony of respect for the service you had rendered the public?—I was so informed.

Do you recollect being with the police on any night in November, when there was an attempt made to dress the statue?—There were different attempts made on the nights of the third, fourth, fifth, and sixth of November; I was up almost the whole of those nights, one night entirely; but on the sixth there was a very serious attempt made, in opposition to the police force, to dress the statue.

Do you recollect any person being mounted on the statue that night?—There were three persons mounted on the statue; I was called at about two o'clock in the morning, and they were not able to remove them till about six.

Do you recollect who any of those persons were?—I really did not know one of them, it was quite dark; it has appeared before me, as a magistrate since, who the person was, it has been so sworn.

Who was the person?—Henry Handwich was one of the persons, I was not capable myself of discerning.

That he was one of the persons who was mounted on the statue that night?—Yes.

Who is Mr. Townsend to whom you have referred?—Mr. Townsend is a king's counsel; and he is the counsel, who has been for many years conducting prosecutions on the part of the government, he assists the attorney general, he is a very experienced man.

Do you know of any riot committed in dressing the statue on any former year?—Upon the twelfth of July last year was a very serious riot, there was a very numerous mob collected upon that occasion, and several prisoners were brought to my office on that night.

Have you had any reason, from any thing which happened before you, to apprehend that if that proclamation had not been issued by the lord lieutenant, similar outrages would have taken place in November?—From the experience of what occurred, on the 12th of July, I really had every reason to apprehend, it being in opposition to the pleasure expressed of the government and the lord mayor's proclamation, I had every reason to expect that such a riot would be; in addition to that there were several informations sworn by several inhabitants of College Green, not before me but before my brother magistrates, and some of them at the head office.

On one of the days in November there were mobs in different parts of Dublin, were there not, as well as College Green?—There were.

There was a mob broke the windows of the Archbishop of Dublin on one of those nights?—There were; there were outrages committed by the opposite parties, by the contending parties.

In the July preceding, and on former occasions of dressing the statue on those commemoration days, were there not fire arms discharged in the streets, pistols fired-off?—I have really no distinct knowledge; I have heard of such things, but am quite incompetent to give any information upon that subject.

Before the 12th of July last did you ever know any riot, in the course of your magistracy, take place round this statue?—I have really no recollection of any thing of a serious nature; I do not recollect its having come before me as a magistrate.

If you had acted from your own discretion on the informations before you, would

Joseph Gubbett,
Esq.

Eight Day.
(May 15.)

you have committed Handwich and Graham capitally?—Upon the informations which were sworn in my office I should not, because they did not charge that the bottle or the rattle were thrown with that intent, but there was an information which had been sworn at the head office, which I thought quite altered the case, and that information was as to conversations which took place at a tavern; I was present when it was read over to the party and sworn by him, that stated conversations of some of those parties as expressing regret that those missiles had not taken effect; something to that purport.

From all the informations that came to your knowledge, both in your own office, and in other police offices, would you, acting on your own discretion, have committed Handwich and Graham capitally?—I really did not exclusively form any determination in signing the committal on the informations I had taken or had heard read; but I confess to the House, I acted a good deal on my reliance on the integrity, the knowledge, the talent, and experience, of those counsel who had considered the other informations. I took for granted, there was a body of other evidence before them, and before the magistrates of the head office, to warrant that committal; it was sufficient for me, that there was evidence taken before me to go to the jury in support of the charges; and that I was bound to consult the officers of the crown as to the mode in which they wished those cases to go to trial.

Are you to be understood, that you acted more in faith on the law officers of the crown than your own judgment?—Partly on the one, and partly the other.

Would you, acting on your own judgment, have committed Handwich and Graham capitally, ay or no?—I certainly should not; I did not consider that I was called upon to form a judgment on those informations I had taken, or the informations I had read; if it had not been taken up as a government prosecution, and the law officers of the crown consulted upon it, I should have exercised a more deliberate judgment, required more information to be laid before me, and the witnesses to be confronted with the prisoner. I must acknowledge I did act a good deal on the faith of the law officers of the crown.

Would you commit those men on the direction of the law officers of the crown, without sufficient evidence to go before the jury?—I think I would not, and am very clear that I could not do my duty if I did so. I think I should not be acting chastely or correctly as a magistrate.

You have mentioned, that some information was given of a transaction at a tavern that altered your opinion, as to the nature of the case; do you recollect the name of the person that gave that information?—I really do not recollect the name; I went into the head office by accident, it was in an evening, and the person was at the table there, the three magistrates, as I recollect, were in the office; the chief clerk was reading the information, and I heard the information read and stated upon the occasion, to Major Sirr, that I thought it a very strong information indeed; I had never seen the person swearing that information before, and cannot take upon me now to say who he was.

The substance of that information was proved on the ex-officio trial, was it not?—I believe it was.

And no verdict upon it?—There was no verdict upon it.

Was one of the persons who gave that information, a person who had been indicted himself?—Certainly not, if the honourable member alludes to the Atkinsons, it was not one of those.

Mr. Pascal Paoli Field, called in; and Examined.

WHAT is your name?—Pascal Paoli Field.

What is your situation?—I hold a situation in the bank of Ireland.

Do you recollect being examined by any persons, as to the transactions that took place at the theatre royal on the 14th of December?—I do.

Where?—In a room in Dublin Castle.

Do you know who the persons were?—The right honourable the attorney general for Ireland, examined me.

Who else was there?—There were other gentlemen present, whose names I do not immediately recollect, there was a Mr. Carmichael present.

Were you sworn to those examinations, was any oath administered to you?—There was.

When?—At that time.

Previous

Mr.
Pascal Paoli Field.

Mr.
Pearce Park Field,
Eight Day.
(May 23)

Previous to your examination?—Previous to my examination.

Do you recollect who administered it?—Major Sirr administered the oath.

After the oath was administered, what became of Major Sirr?—He left the room.

And you were left in the room with His Majesty's attorney general, and some other gentlemen?—Yes.

Do you know who Mr. Carmichael is?—I believe he is the clerk of the crown, I am not sure.

The clerk of the crown's solicitor, or the clerk of the crown?—I believe he is either the solicitor or the clerk of the crown; I cannot positively say which.

Will you state what happened on your examination?—I was asked by His Majesty's attorney-general for Ireland, if I had been at the theatre on the night of the row, the night on which the row had been stated to have taken place; I said I was not. I was afterwards asked, if I had any thing to do with the circulation of tickets, or with subscribing to the purchase of tickets for the admission of persons for that purpose; I said I had not. I was asked, if I had any thing to do with the throwing the bottle or rattle, or if I had countenanced such proceedings; I said I had not. Shall I state my observations? My feelings were indignant (excuse me), at the supposition that I, who held His Majesty's commission in an Irish regiment of militia; I was a subaltern officer. I felt, I say, indignant at the supposition, that I, who received the pay of His Majesty, and drew my sword for the protection of His British subjects, should be charged with an attempt to insult or injure His Majesty, or His Majesty's representative, or to infringe on a charge or request that His Majesty, I was informed, had uttered to His people of Ireland, on His departure.

Were your depositions taken down in writing?—I suppose they were. The gentleman who sat at my right hand, a Mr. Carmichael, as I have been since informed, was writing at the time I was speaking.

Were you then dismissed for the time?—After other questions, I was dismissed by His Majesty's attorney-general for Ireland.

Was there any thing further particular passed?—Yes; I was asked, if I had heard any conversations upon the subject. I was confused, of course, at the moment, being sent for in a hurry, having no apprehension of any thing of the kind; and I said, that I had heard many conversations, as any citizen or person in my walk in life might have heard. I was asked, what the conversations I had heard were; I said I had heard various conversations. I was then asked, whether I had heard any thing respecting the lord mayor of Dublin; I said I had heard conversations respecting him. What were they that he had made himself unpopular; in what respect?—In not allowing the statue of King William, in College Green, to be dressed, according to the old custom of the country.

Were those depositions that were taken down ever afterwards shown to you, in order to be sworn?—They were not.

Were any depositions ever shown to you in the police-office, for you to swear to?—There were.

Did you swear to them?—I did not.

Why did you not?—Because I did not conceive that they agreed, or bore the slightest resemblance to the original inquiry made of me.

You conceived them to differ essentially?—I did materially.

And you declined signing them?—I did.

Did you give that reason at that time?—Yes, I did.

To whom?—To Alderman Darley.

Do you know who was present when you were examined in the room at the castle?—I cannot take upon me to recollect the names, time has affected my memory sufficiently not to recollect; I was greatly confused at the moment.

Did you know Mr. Carmichael before?—Yes, I have known Mr. Carmichael before.

You were understood to say, that you had since learned it was Mr. Carmichael who was writing at the time you were speaking?—If I said so, I was mistaken, it was respecting the situation he held; I was not certain whether he was solicitor or clerk of the crown.

Did you know the attorney general before?—I had seen him repeatedly.

You knew him personally?—I did.

Did you know the solicitor general?—Mr. Joy, I did.

Was he present?—I think he was, I cannot say positively.

Mr.
Perceval Pease Field.

Eighth Day.
(May 27.)

Do you know Mr. Townsend?—Mr. Sealy Townsend, I do.

Was he present?—I am not positive, I was a good deal confused at the moment I was sent for, I did not know for what purpose, consequently I was agitated.

You know no other person that was present?—There were many present, but for me to say positively who they were, would be taking too much responsibility upon myself.

What number were present?—There were four or five, or six or seven present, I cannot take upon me to say how many.

Do you recollect any body being present but Alderman Darley, at the time you refused to swear to the depositions?—There was.

Who?—Mr. Pemberton; Mr. Charles Pemberton, as I am informed, his Christian name is.

Any body else?—No, I believe not.

Were you much confused at the time of this examination at the castle?—Yes, I was.

Did that have any effect upon the answers you gave?—No, I do not think it had any, for I paused sufficiently.

Did it, or not, affect the answers you gave?—I think it might, in some respect.

You have given a string of questions and answers; are you sure all those questions were put to you, and all those answers given?—I am; I have spoken tantamount to what was put to me; I cannot state the exact words.

You are very certain of the substance?—Yes.

And yet you cannot state the names of any person present, except the attorney general and Mr. Carmichael?—I cannot speak to their names.

How many persons were there?—I suppose five or six.

What is the reason you cannot name others?—Because I had my face to the attorney general. Major Sirr was desired to swear me immediately; and the attorney general addressed me, and desired me to answer him.

Is that the only reason you cannot speak to who were there?—That is the only reason.

You have spoken of the lapse of time; has that had any effect upon your memory?—Yes.

How is it you remember so accurately all the questions put upon, and the answers you gave?—Because they made a particular impression upon my mind.

How is it, that, though you cannot name the persons who were present, you have so distinct a recollection of what passed?—Because those questions agitated myself; because I felt hurt that such ideas should be harboured of me.

Did you make a memorandum immediately afterwards of the questions put to you, and the answers you had given?—No, but I repeated it immediately to Mr. Alderman Darley, and to Mr. Williams of the bank of Ireland, what had occurred.

Did you make any memorandum immediately afterwards, of the questions put to you, and your answers?—Afterwards, not immediately.

How soon afterwards?—Two or three months.

Have you got that memorandum with you?—I have not in my pocket.

You have it in town with you?—I have.

You will take upon you to say, that the precise questions, or tantamount to those you have stated, were put to you, and the answers you have given were given by you?—Yes.

Can you bring that paper with you at a subsequent time?—I can.

Do you recollect the difference between the deposition read over to you, and your actual deposition?—It began, "the deponent saith, he knows no more about it than a man walking through the world."

Had you used those words?—Not those actual words; I had said what I did actually relate: "that I knew no more of it than any citizen of the world in the walk of life I was in."

There was no essential difference?—No, not essential, perhaps.

What essential difference did you find between the deposition you had made, and the copy which was shown to you?—On looking at the head of the paper it was proposed to me to swear to, I saw so great an alteration, that I said, "Mr. Alderman, this differs so much from my deposition, that I cannot take upon me to sign my name to it."

Do you remember any other differences?—No; I just looked at the commencement, and seeing those words, I refused to go any further.

You

You had said, that "you knew no more than a citizen of the world in your walk of life;" and they had written it "that you knew no more than a man walking through the world?"—Walking through the world may be a figurative expression, but I had not used the word.

Did you read the other part of the deposition?—I looked through the deposition, but cannot recollect it.

Did you find any essential difference in any other part?—To the best of my knowledge, I did.

There was a material difference?—Yes, to the best of my recollection.

Are the other differences as important as the first one you have mentioned; the first was, that you were represented to have said, that you knew no more of it than a man walking through the world, whereas you might have said, that you knew no more of it than a citizen of the world, in your walk of life?—Yes.

Were the other differences as essential as that?—Yes, I believe they were; but I cannot take upon me to say that they were, for I laid it down directly.

Mr. William Ribton Ward called in; and Examined.

WHAT is your name?—William Ribton Ward.

What is your situation?—I am a solicitor and attorney residing in Bagot-street, Dublin.

Are you the confidential man of business of Mr. Sheriff Thorp?—I am.

Do you recollect having had any conversation with the sheriff previous to his being sworn into office?—I do.

Will you be so good as to state what that was?—Previous to the sheriff being sworn into office, he told me he was apprehensive there were certain abuses existing in the gaols, and that he wished if he could find it out, to remedy them, and directed me to take care, in reading over his deeds, that I did not give up the control of the gaols.

Do you recollect any thing more?—No, I cannot recollect any thing more.

Do you recollect the sheriff receiving a letter, by direction of the attorney-general, respecting the impaneling of the juries?—I recollect the sheriff called upon me, and showed me a letter signed Thomas and William Kemmis which stated, as well as I recollect, that it was written by direction of the attorney general.

Do you recollect what passed between you and the sheriff upon that occasion?—I told the sheriff, that as I was unacquainted with city business, I was incompetent to give him any advice upon the subject, but recommended him to consult with the sub-sheriff, and if they could not agree, to be advised by counsel; at the same time I stated, that were I in his situation, if it was my right to return the panel, I would stand by my right, that I would return a fair and impartial panel; that he was an officer appointed between the King and the people, and bound to return a fair and impartial panel, and to do justice between both.

Do you recollect what his reply was?—He replied to me, that it was always his intention to return a fair and impartial jury.

Do you recollect the day on which the January commission grand jury ignored the bills of indictment, against the persons charged with the riot at the theatre?—I do.

Were you in the town clerk's office on that day?—I was.

What brought you there?—I went there to give evidence before the jury, touching a robbery committed on the vice provost of the university of Dublin.

Was Sheriff Thorp in the office?—Not when I went in.

Did he go in afterwards, before you left it?—He did.

Did he leave the office before you left it?—He did a long time.

Were any other persons in the office at the time that Sheriff Thorp and you were together in the office?—There were several.

Do you recollect who they were?—I can recollect the names of some of them, there was a Mr. O'Reilly there, there was a Mr. John Chagnan there, there was a Mr. Francis Lodge there, there was a Mr. William Hall there.

Was there a Mr. McNamara there?—I do not recollect to have seen Mr. McNamara there.

Mr. O'Reilly you saw there?—Positively, Mr. O'Reilly was there.

Did Sheriff Thorp address you, or any other person in your hearing, saying there would be no bills found, and that he had managed it well?—I did not hear

*Mr.
Patrick Fitch Field.
Eight Day.
(May 23.)*

*Mr.
W. R. Ward.*

Mr.
W. R. Ward.
Eighth Day.
(May 13.)

Sheriff Thorp make use of those expressions; I cannot be positive whom he addressed, but he certainly made use of no such expressions at the time.

Did he address you?—He did address me.

Did he address any such words to you?—No, certainly not.

Did you hear him make use of those words, or words to that import?—I did not.

Was he near you during the whole time he was in the office?—I think he only came in and passed by me, and went out again; my recollection is not very positive on that subject, but that is my recollection on the subject.

But you are positive he made use of no such words to you, or to any other person in your hearing?—I am positive of it.

He found you in the office, and he left you in the office?—Certainly.

Were you personally acquainted with Mr. M^r Namara before that?—I have been for many years acquainted with him.

Could he have made use of such words, and you not have heard them?—I think not.

You were sufficiently near to him the whole of the time?—I was.

You were near him the whole time?—He passed near me in coming in, and passed by me in going back again.

For what object did he go into the office?—I really cannot charge my memory; I think he left his sword there, but I have only an indistinct recollection of the fact.

He left nothing else there?—Not to my recollection.

Did he come in with his round hat on, or his dress hat as sheriff?—I rather think he had a cocked hat on.

Did he leave his cocked hat?—I think he did not.

Only his sword?—He left something behind him, and I think it was his sword.

Did he open his mouth, and say anything?—He did.

What did he say, do you recollect?—He put his hand to his mouth and said, "Mum, is Milliken here."

Did he make any other observation?—None but that.

What did you conceive him to mean by that?—I am rather inclined to think, I put a question to him, I cannot distinctly recollect what it was, I think it was either "have the jury returned the bills," or "can you get me examined by the jury, for I do not wish to stay," one of those questions I think I put, and he put his hand upon his mouth and said "mum, is Milliken here," or "Milliken mum," or something of that kind, it is the oddity of the expression that made me recollect it.

Do you know whom he meant by Milliken?—I do, I believe.

Who is Mr. Milliken?—He is a bookseller in Grafton-street.

Was not Mr. Milliken the person who had charged the sheriff with making use of some improper expression in the theatre on the night of the riot?—I have heard so.

Mr. Thorp denied the expressions in the paper, did not he?—Yes.

And Mr. Milliken made an affidavit?—Yes.

Then Mr. Sheriff Thorp thought Mr. Milliken was a person it would not be safe to use an expression before, that he did not wish to be reported?—I think that he would.

You think, when he said, "mum, is Milliken here," he would not like to speak very freely, unless he knew whether there was an enemy present?—I did not take the words in that meaning, what was conveyed to my mind was, that he meant it as a cant or wit, it was a cant word used in Dublin after that affidavit, when a question was asked, "Mum, is Milliken here."

Do you know where Sheriff Thorp came from?—I do not; but I suppose he came out of the court.

Did you suppose he had been with the grand jury?—No, I cannot suppose that, for the jury room was locked.

Why did you ask Mr. Sheriff Thorp whether the bills would be soon returned?—I did not ask him any such question; I asked him whether the bills were returned.

You do not know where he came from?—No, not of my own knowledge I do not.

Had he any conversation at all about the bills?—No, not that I recollect; I do not think the sheriff said any thing but that I have stated.

Are

789

Mr.
W. R. Webb.
Eighth Day.
(May 23d)

Are you quite sure the sheriff did not say any thing about the grand jury, or about the bills?—I am perfectly satisfied he did not, in my hearing.

Could he have said any thing without your hearing?—I think not.

Are you positively sure of that?—He could not have said any thing in the office without my hearing. I think.

Will you state positively, whether you take upon yourself to say, that he could not have used any expressions, with respect to the grand jury or the bills, without your hearing it?—I have answered before, that I do not think he could.

Will you say positively, that he could not?—Indeed I think I might say positively, that he could not; for I must have heard it, if he said it.

Do you now say, he could not have used any expressions, with respect to the grand jury or the bills, without your hearing it?—Indeed I do say positively, that he could not have used any expressions with respect to the grand jury or the bills, without my hearing them.

No expressions relative to the grand jury?—Yes.

Do you know Mr. McNamara?—Yes.

His person?—Perfectly well.

Will you take upon yourself to say, he was not in the office at the time?—Positively I will not.

Do you know Mr. O'Reilly?—Yes.

You have been long acquainted with him?—Yes; we have been long concerned, on opposite sides, in an equity suit.

And with Mr. McNamara?—No, I have no concern with him.

You have been long concerned in an equity suit with Mr. O'Reilly, which implies a length of acquaintance?—Yes.

Had you any conversation in Mr. Henn's office, since Mr. O'Reilly and Mr. McNamara were examined here?—Indeed I have.

Have you had any conversation in the presence of Mr. Henn, the master in Chancery?—Yes.

Do you know Mr. Corcoran?—I do.

Was he present at any conversation you had?—He was present in the office, and interfered in the business. I was then concerned in a cause of Hudson v. Hudson.

Did you make any observation to Mr. Henn, the master, relative to what was alleged to have passed?—Yes; I made this observation, Mr. Bouchier wanted me to go into a reference on Mr. Hudson's cause. I told him I could not, that I expected to be summoned to Parliament, and could not go into a reference until I returned.

Did you say any thing with respect to the conversation that had passed in the office on the day of ignoring of the bills?—Yes; I said, in consequence of what I had seen in the paper, I expected to be summoned to Parliament.

Did you say any thing in respect of the expressions the sheriff had then used?—No; I gave some indication that what had been stated here was not truth.

Did you positively say, that the conversation had not passed?—I did positively say that the conversation had not passed.

Was Mr. Corcoran near you?—He was very near; so near, that when the gentleman was asked, who was to be appointed receiver, Mr. Corcoran said, "I know the gentleman very well, he is a proper person."

Was Milliken present?—No, he was not.

Then this "mum, Milliken" meant a sort of caution, that if Milliken was there the sheriff could not say what he wished to say; if he was not present he might have said that?—Yes.

Then "mum, Milliken" could not perhaps mean that which you have conceived?—What I took him to have meant by that, was a sort of witicism, or a sort of cant expression.

"Milliken mum" was not an uncommon expression in Dublin, as a cant expression after Mr. Milliken made that affidavit?—I have heard many people use it; I have seen a passage in the Evening Mail about "mum Milliken."

Do you know what was the improper expression imputed to Mr. Sheriff Thorp by Mr. Milliken, on the night of the play-house riot?—I protest I cannot recollect that.

You are aware that Mr. Milliken was one of the most active in arresting the rioters at the theatre?—I know nothing about it.

Mr.
W. R. Ward.

Eighth Day.
(May 25th.)

You have heard that stated, and have heard of a letter of thanks to him for his activity?—I have heard of a letter of thanks to Mr. Millican, certainly.

[The witness was directed to withdraw.]

[The witness was again called in.]

[Mr. Dillon Macnamara was again called in, and the evidence of Mr. Ward was read over in his presence.]

Mr.
Dillon Macnamara.

YOU have heard the evidence Mr. Ward has given with respect to the possibility of the sheriff having made use of the expressions upon the subject of the grand jury ignoring the bills, with reference to which you were examined here on a former day; did you, in the sheriff's office, on that day, hear him make use of any expression with respect to the bills being ignored, or the bills not being found?—I did.

State, as nearly as you recollect, what it was?—Mr. Sheriff Thorp came into the office, and stated to some gentleman near the fireplace (who that gentleman was, I could not possibly have known, but from what I have heard from Mr. O'Reilly, he has refreshed my memory upon that subject, of the gentleman that he expressed it to) he told him there were no bills. Being asked whether the bills had come down, he said, no; but that he might make his mind perfectly easy upon the subject, or something to that effect.

Do you believe the gentleman to whom he expressed that, was Mr. Ward?—From reading the evidence, I believe it was Mr. Ward; I saw Mr. Ward in the office that day.

Have you any doubt of the expressions being used?—None whatever.

Do you now believe that Mr. Ward was the person to whom it was expressed?—From the reasoning I have stated, I have not stated positively that it was from Mr. Ward.

You have stated, that he used some such expression as "Have not I done it well?"—I have.

Are you quite positive that an expression of that kind was used by him?—I am.

Have you any doubt that expressions of that kind were used by him?—None whatever.

How long do you suppose Sheriff Thorp was in the office, from the time he came in until he left it?—I should say from three to five minutes, or about that; I should think not more than that. I left it almost immediately, and went into the adjoining room; he might have remained a longer time.

Did you see the person whom Sheriff Thorp addressed upon that occasion, when the sheriff was addressing him?—I did; but I made no remark upon it.

Did you see the person to whom Sheriff Thorp was addressing himself?—I was standing outside of the counter; Mr. Sheriff Thorp was between me and the person he was addressing, and not being interested in the event of the bills, I did not take such notice as I should otherwise do.

Can you state one way or another, whether you did see the person to whom Mr. Sheriff Thorp was addressing himself?—I cannot say, whether I did see the person; I am not prepared to say positively, who the person was.

Is the Committee to understand, that you did not see the person whom Sheriff Thorp was addressing?—Yes, I think that may be taken so.

That you cannot say, that it was Mr. Ward, except from having heard so from Mr. O'Reilly?—And seeing Mr. Ward in the office on that day.

Did you see Mr. Ward on that day in the office, before or after this conversation?—Before the conversation.

Will you state, how you knew it was Mr. Ward, the sheriff was addressing, except from what Mr. O'Reilly has stated to you?—I did not know that it was Mr. Ward.

You know Mr. Ward's person?—I do.

But you cannot say positively, whether Mr. Ward was the person to whom he addressed himself?—I cannot.

Did you hear the sheriff address any body by name?—No, I do not think I did.

Have you any means of knowing, that Mr. Ward was the person the sheriff addressed, except by since hearing?—No.

Are you positive Mr. Ward was in the office, at the time you allege this expression was made use of?—I am not positive whether he was there at the time; he was in and out that day; I had seen him several times on that day.

You

741
Mr.
Dillon Macnamara.
Eighth Day.
(May 23)

You are not sure whether he was in the office at the time you state the sheriff to have made use of this expression?—No, I am not.

You stated, upon your examination, that you believed he was the person to whom that conversation was addressed?—Yes; but I coupled it with the circumstance, that my recollection was mended by what Mr. O'Reilly had said.

As you say you are not certain whether Mr. Ward was in the office at the time the sheriff made use of this language, what reason have you for supposing that Mr. Ward was the person that the sheriff had addressed more than any other person?—Merely from what Mr. O'Reilly stated to me, that it was Mr. Ward he was speaking to.

Did Mr. O'Reilly say that to you, at the time, in the office?—No, sometime afterwards.

Did Mr. O'Reilly say that to you, before either of you were examined here?—He did.

Then had you and Mr. O'Reilly compared together what you could state with respect to this language used by the sheriff?—We talked the thing over, but we made no comparison of notes, if I may make use of the expression; we made an comparison as to the testimony we would give; the way in which I was brought here, in fact, was that Mr. Kiddall, and others, were summoned by the honourable House, and we were consulting the thing over in the Hall of the Four Courts, to know what such and such persons could have been called for, and I mentioned that such an expression had been used in the office; and the next thing I got, was a summons to attend this House, and, by way of getting myself out of the attendance here, I said there are several persons could prove it as well as myself, and I mentioned Mr. O'Reilly, and that if they could dispense with me, it would be a great kindness; and then, Mr. O'Reilly and I were both summoned to attend.

The Committee is to understand, that there was no comparison between you and Mr. O'Reilly of your recollection of what passed in the office, and you undertake to say your recollection serves you, that the conversation was addressed to Mr. Ward?—No, you are not to understand that, because we had no conversation whatsoever with respect to the giving of our testimony; when he and I were both summoned, we were asked individually by different persons with respect to the transaction, but afterwards we were talking of the circumstances.

Was it not Mr. O'Reilly's conversation with you, that induced your recollection to fix the conversation as addressed to Mr. Ward?—I believe, on reference to my examination, it will be found I have not fixed it on Mr. Ward.

According to your belief?—I founded that belief entirely on Mr. O'Reilly's statement.

When was that statement of Mr. O'Reilly's made to you that induced that belief?—I think it was after we came to England; Mr. Blake had desired Mr. O'Reilly to put down any testimony he could give on the transaction, and on looking over Mr. O'Reilly's testimony, he and I differed on that point, and I found it necessary then to write down my own.

What was the difference between you and Mr. O'Reilly as to your evidence?—Mr. O'Reilly went into some minutiae, which I did not take notice of at the time, with respect to the conversation being addressed to Mr. Ward, that was one thing we differed in; and the other was that Mr. Sheriff Thorp took off his sword and cocked hat and other insignia of office, and was assisted on with his surtout coat by Mr. Ward, and went away; that I did not take notice of, and we differed on those points.

You cannot take upon yourself now to say whether Mr. Ward was in the office or not at the time the sheriff was present?—I cannot.

And yet you take upon yourself to say that you believe, from what Mr. O'Reilly told you, that the conversation was addressed to him?—Yes.

Have you and Mr. O'Reilly compared notes with each other of any correction of testimony which you could give with respect to this transaction?—No, we have not.

Then what did you mean when you said, a little while ago, that there were a number of differences in point of your respective recollections of what took place in the office?—What I meant to say is, that when Mr. O'Reilly wrote down his account of the transaction it differed in these minutiae with mine, and that I accordingly thought it necessary not to stand upon his strictly, as I found we differed on those insignificant points.

Mr.
Dillon Macnamara.
Eighth Day.
(May 25.)

Did you read that testimony which Mr. O'Reilly wrote down that he himself could give?—I did.

Where?—In the dining-room of Mr. Blake.

Then you were there together?—We were.

What did you mean by saying, that you made no comparison of the respective testimony you could give?—I do not think it was a comparison; Mr. O'Reilly had written down his testimony on a small scrap of paper; I took it up and read it, and said, "We differ in our account of the transaction, and therefore I will write mine," and I did.

Then you do not consider that to be a comparison with each other of the testimony you could give?—I do not.

You felt it necessary, from the difference of recollection you had from the written account which Mr. O'Reilly gave of the transaction, to write down your own recollection of it?—I did.

Will you take upon you to say that you never mentioned Mr. Ward's name before you left Ireland as the person to whom the conversation was addressed?—No, I will not.

Then how will you reconcile that to saying that you never supposed it to be Mr. Ward, until Mr. O'Reilly reminded you of it after coming to England?—We had various conversations respecting it before we came over here, but whether Mr. Ward's name was mentioned in it before or afterwards, is a matter that it never occurred to me to keep in my recollection.

Do you mean to say that to all the conversations you had with O'Reilly, previous to your leaving Ireland, he never mentioned Mr. Ward's name?—No, I do not.

Have you not, in several conversations with various people, stated in Ireland, that the conversation of Sheriff Thorp was with Mr. Ward?—Never.

Do you know a person of the name of Hall, an attorney?—I know there is such a person; I have very little acquaintance with him.

Did you have any conversation with him upon this subject?—Never. No conversation on earth on this, and very little on any other subject.

William Hall of St. Andrew's-street?—Very little on any subject.

Have you had any conversation with him upon this subject of Sheriff Thorp?—No.

None whatsoever, you are positive?—I am quite positive I have not had any, as far as one man can be positive of any thing in the world.

Do you recollect the words, "*some*, is Milliken here" by Mr. Sheriff Thorp?—No, I do not.

Are you certain these words were never used?—They might, for aught I know, but I did not hear them. I think if they were, and it was in my hearing, I must have recollected it.

Have you listened attentively to the evidence of Mr. Ward, as read by the shorthand writer?—I have.

Are you clear, that the evidence of Mr. Ward and your own, relate to the same occurrence?—I declare I cannot say, Mr. Ward may be quite correct in what he has stated; this conversation may have passed at another time when I was not there; I will not undertake to say that it is not correct.

You will not undertake to say that it relates to the same occurrence?—I cannot.

Did you, and Mr. O'Reilly travel together here?—We did.

Was Mr. O'Reilly in the office the time the sheriff was there, and said that you have stated?—Yes.

Did you leave the office soon after?—Yes.

You talked this over together?—No. I was not interested, I am no party-man. I should not care if they were all hanged.

You were in the sheriff's office together, and travelled together?—Yes; it was not on that business I went there; I was in no way interested in the transaction at all.

For what purpose did you go there?—I went on a bill which was preferred against Mr. O'Meara, and I was to have been professionally concerned for a person prosecuted with him.

Mr. O'Reilly told you, positively, that the gentleman, to whom the sheriff addressed his conversation, was Mr. Ward?—He did.

Was

Was there any other person near the sheriff at the time, except a gentleman, who Mr. O'Reilly told you was Mr. Ward?—The matter made very little impression upon me; it was merely a conversation I heard, and who the persons present were I cannot say.

Mr.
Dillon Macnamara.
Eight Day.
(May 22.)

Was there any other person present, except the person whom you consider an Mr. Ward?—There were six or eight persons in the office at the time.

Were you in the office till Mr. Sheriff Thorp left it?—I rather think not; I went into the adjoining room almost immediately.

Did Mr. Sheriff Thorp pull off his sword or his hat?—I declare I do not know.

Can you say he did not pull off his hat?—I cannot say.

Did you see Mr. O'Riley in the office?—I did.

[The witness, Macnamara, was directed to withdraw.]

Mr. Terence O'Reilly was again called in, and examined as follows:

YOU recollect having been in the office at the Court House on the day the bills were ignored?—I do.

Mr.
Terence O'Reilly.

Will you be so good as to state whether you have a distinct recollection of any expressions used by Sheriff Thorp upon that occasion, and to whom?—Mr. Sheriff Thorp came into the office of the clerk of the crown, Messrs. Allen and Greene's office, and he stated that there would be no bills found; and had not he managed the business well, and he then changed his dress and went out.

To whom did he address that conversation?—I conceive he addressed it to this gentleman (Mr. Ward).

You knew Mr. Ward's person?—Yes.

You are positive he used words to that effect?—Yes.

Who spoke first, Mr. Sheriff Thorp, or that gentleman?—I am disposed to think the sheriff spoke first; probably the sheriff asked him, "How do you do, Charley;" I know he addressed him by the name of Charley.

You are certain of that?—Yes.

How long did you stay in the office?—I was there from an early hour in the morning until after the attorney-general quitted the court.

Did Mr. Macnamara quit the office before you?—We quitted the office together; we met the attorney-general in the street.

At that time the sheriff had left the office?—Yes; for an hour previous at least.

How long was the sheriff in the office?—He was probably about fifteen or twenty minutes.

Did you and Mr. Macnamara remain in the office after Mr. Sheriff Thorp had put on his great coat?—We did, near an hour; it might be more or less.

Whereabouts did Mr. Macnamara stand while he put on his great coat?—I cannot be positive whether he stood at the same spot during the whole time; but at the time the words were used, I have a positive recollection that it was at the passage; there might be a bar across here, and he was standing just there.

Was the great coat put on there?—It was not a great coat, it was a surcoat.

Was it put on in the office?—Yes.

What did the sheriff do with his sword and hat?—As to his hat, I am not quite positive; but I think he put it in a place under the desk.

Mr. Macnamara must have been in the room during the whole time this was going on?—I dare say he was.

Was he or not?—I think he was.

Did you see him go out?—He was going in and out from that into the court, across the passage, and into the interior office, belonging to the clerk of the crown; which of the places he was in at the particular time I cannot say.

Were you in conversation with Mr. Macnamara at this time?—At which time?

While the sheriff was taking off his hat and putting on his coat and so on.—No; not just at that time.

Where were you standing?—I was standing near the sheriff.

Were you near Mr. Macnamara at that time?—He was in the office, but I was as far from him as to that table.

Was he there during the time?—I am not quite positive; I think he was.

Tell us the words, as nearly as you can recollect?—He came into the office, and stated that there would be no bills found; had not he managed the business well, and that he would go away; I cannot state the precise words.

Did you come over with Mr. Macnamara from Ireland?—Yes.

Did

*Mr.
Thomas O'Reilly.*

*Eighth Day:
(May 23.)*

Did Mr. Macnamara ever mention to you the name of Ward, in respect of this matter?—Never.

Did you mention the name to him?—I did.

At what time?—When we were speaking of the occurrence; I think it was the day on which the attorney-general, or young Mr. Plunket, spoke to me about giving evidence.

When was that?—The Monday or Tuesday before I gave evidence here.

How soon after the riot?—Within three weeks of the present day.

You then mentioned to Mr. Macnamara the name of Ward?—Yes; he said there were some persons present, and he did not recollect who they were; I said, Mr. Ward was the person present, and I knew him.

Do you recollect being at Mr. Blake's chambers, and meeting Mr. Macnamara there?—I was there with him.

Do you recollect the first time you went there; do you recollect that your evidence was written down?—I recollect it perfectly.

Describe what took place at the time you and Mr. Macnamara went there; did Mr. Blake show Mr. Macnamara your evidence, or did you show it him, or did he see it?—I do not know that he saw it; I wrote down my evidence for Mr. Blake; I said, I thought it the best way to write it down, he said, have the goodness to write it; and then he asked Mr. Macnamara to write his too.

Were you in the same room?—Yes.

You do not know whether he read yours over?—I do not think he did.

You were present in the same room all the time?—Yes.

You would have known if he had read it?—I do not know that I should, for I went into the back room to admire the pictures, and he began to write.

You staid till he began to write?—I staid till some gentleman came in to speak to Mr. Blake.

Do you know whether Mr. Macnamara had begun to write his deposition?—I do not know; if I were to say any thing, I should say, that he had begun to write.

Try to recollect whether he had or not?—I rather think he had.

Are you pretty sure of that?—I think he had, but I cannot say positively.

Try, and recollect, whether it was so, or was not so?—I cannot state positively.

But before you left the room, do you think Mr. Macnamara had read over your evidence?—I do not think he had, for the reason I state, that I handed mine over to Mr. Blake.

Did you hear Mr. Macnamara make any observations on your evidence, as it was written at that time?—No, he did not.

Can you take upon yourself to say he did not say any thing with respect to your evidence at that time?—I do.

Did Mr. Macnamara ever say to you that your evidence was different from his?—I think he said so to Mr. Blake, but not to me.

Will you take upon yourself to say he never did to you?—Not to my recollection.

At any time?—He said there were some shades of difference, I think.

Did he ever specify what the shades of difference were?—No; I do not think he did.

Had you never any conversation with him upon those shades of difference?—I do not recollect that we had.

You are pretty sure, that you mentioned the name of Ward to Mr. Macnamara, in Dublin?—I stated the facts I could prove.

He came over with you?—He did.

Had you any conversation respecting the facts?—Merely occasional conversation on the subject of what we were coming for.

Do you happen to know, how it was, that Mr. Macnamara was summoned here?—I think it was through the interference of Mr. Costello; I do not know any thing of it, but I think it was so.

Do you know how you yourself were summoned here?—I do not, unless it was through the same source.

It was in the office of the clerk of the crown?—Allen and Greene's office; I know it better by that name.

Are there any rooms adjoining?—There are.

How many, do you recollect?—I believe there is an interior office, and an outside office, and a place where the clerks sit.

How

Mr.
Tanner O'Reilly.
Eighth Day.
(May 23)

How long were you there, during the course of that day, before the sheriff came in?—I was there, I think, from eleven o'clock that day.

Until when?—Until the attorney-general quitted the court.

Was Mr. Macnamara there for the same length of time?—He was.

Were you always in the same office?—We were not always together.

Did you continue in the same office, or go into the clerks office?—We were in and out of court; we were not constantly together.

Can you take upon you to say, whether Mr. Macnamara went out of the office?—No, I cannot.

How long was Sheriff Thorp in the office?—A short time; I think not more than twenty minutes at the time this conversation took place.

Whereabouts in the office was Mr. Macnamara during those twenty minutes?—To the best of my recollection he was standing in the passage, between part of the office which divides where the clerks sit and the other.

You and he are intimate?—We are.

How soon after this conversation, or this statement of the sheriff in the office, had you and Mr. Macnamara any conversation upon it?—I cannot say; I do not recollect any conversation that we had.

Upon the subject of that?—No.

To whom did you first state that?—I cannot say indeed; whenever the subject was mentioned, I have mentioned it; but I cannot state the particular time when it did occur.

When did you and Macnamara first converse upon it?—When we were summoned to attend this House.

You are quite sure Macnamara was there when this conversation took place?—He was.

And the sheriff, and Macnamara, and you, were in the sheriff's office together about twenty minutes?—Mr. Sheriff Thorp, Mr. Ward, and myself, were behind the counter, and Mr. Macnamara was standing at the passage behind the counter from the outside part of the office.

And that period of time was, as near as you can recollect, twenty minutes?—About that time I think.

Did you hear during this time the expression of "mum Milliken" used by Mr. Sheriff Thorp?—Never.

Or any expression to that effect?—I never heard any conversation relative to Sheriff Thorp.

Did you hear Sheriff Thorp make use of the expression of "mum Milliken", or "Milliken mum"?—I did not.

Will you take upon yourself to say, positively, whether during the time that Sheriff Thorp was in the office, Mr. Macnamara continued in the office, or whether he did not?—I think he did.

How soon after Sheriff Thorp came into the room, did he make use of those expressions, which you think you heard him make use of to Mr. Ward?—I am not positive of it; but I think that immediately on his coming in, at least immediately on his coming behind the counter.

They probably surprised you?—They did not.

During the remainder of the twenty minutes during which Sheriff Thorp remained in the room, did you hear him say any thing else?—He might, but I do not recollect it.

How was he occupied?—He came out from some place, where he got this information, and went behind the counter, and took off his dress coat, in which he was assisted by this gentleman, and then went away.

How was he occupied during the interval that elapsed after using those expressions?—In conversation.

With whom?—With this gentleman.

Did he put on his surtout coat immediately on making use of those expressions?—No, not for some time.

The greater part of the time he was in conversation with Mr. Ward?—Yes.

You think that was twenty minutes?—Probably not so long; I cannot state the precise time.

Had Mr. Macnamara left the room before Mr. Sheriff Thorp did?—He was either in the office or in the back room, I think.

Did you hear the whole of the conversation between Mr. Sheriff Thorp and Mr. Ward?—I did not.

Mr.
Terence O'Reilly.
 Eighth Day.
 (May 23.)

Then it is possible that he might have made use of the expression "*man Miliken*," and you not have heard it?—He might to Mr. Ward; upon that occasion he might. Did you ever hear that expression made use of?—Never, before to-night. Have you never heard that about Dublin?—Never.

Were there any persons standing near the sheriff, at the time he uttered those expressions, besides Mr. Ward?—I was.

Any body else, besides you and Mr. Ward?—No, we were the nearest; I do not think there was any body on that side of the desk but us.

Was there any body so near the sheriff and Mr. Ward, that you may, by possibility, have been mistaken in supposing those expressions to have been addressed to Mr. Ward?—I do not think I could be mistaken.

You do not think he might have spoken to one person, and you have supposed him to speak to another?—No.

Did you hear Mr. Ward ask him that question?—I did not hear Mr. Ward ask him any question; but they seemed to be quite intimate friend.

Did you hear him ask Mr. Ward whether the grand jury had found the bill?—I do not recollect it.

Did you hear him make use of the expression to any body, "*You may set your heart at rest*," or "*your mind at rest*, for there will be no bills found?"—Those were the words.

How soon did he use those expressions?—Shortly after he came into the office.

The first expressions you repeated are, "*There will be no bills found*, have not I managed well; I may now go away?"—Yes.

How soon after did he say, "*You may set your heart at rest*, there will be no bills found?"—Whether it was, "*You may rest satisfied*, there will be no bills found," or "*there will be no bills found*," I cannot say distinctly as to the words, but they were to that effect; "*that there will be no bills found*," I conceive to be the words.

You do not mean that there were both words used?—No; they were to that tendency.

You heard no question addressed to the sheriff about the bills?—I do not recollect any question.

When you said you went into the back room at Mr. Blake's, where did you find Mr. Macnamara when you came out?—Sitting at the table, either writing or having immediately done writing at the time.

How long did you stay there with him afterwards?—A very short time, not more than a few minutes.

Did you go away together?—We did.

Have you at any time seen Mr. Macnamara's deposition?—I never saw it till this minute.

The question refers to that written at that time at Mr. Blake's?—That is what I mean.

Did it strike you with no surprise, that a sheriff should make use of such an expression in an open office to strangers?—It did not.

You looked upon it as a matter of course?—It was.

Was that on account of the particular sheriff who made use of it?—In consequence of the reports which were through the city, that the jury that were impanelled would not find bills; and from the length of time that the jury had taken to return the bills, there was no doubt as to the result of them.

Then you are to be understood, that you and Mr. Macnamara walked home together?—We walked part of the way; we left the office together.

And you had no conversation together respecting that expression?—I do not say we had no conversation.

On that subject?—I think we had casually; but what the conversation was, I cannot exactly recollect at this distance of time.

Can you recollect the subject of it?—The subject of the bills being ignored. I recollect we had a conversation about it, but what the precise conversation was I do not know.

Do you recollect whether you mentioned to him who it was that the sheriff addressed then?—I might have mentioned it; I think it likely I did.

Did you mention that it was to Mr. Ward?—I am not sure that I did.

You know Mr. Ward perfectly well?—Yes, I have that honour.

You think it likely that you told Mr. Macnamara that that expression was made use of to Mr. Ward?—I think it possible I did.

Do you think it likely you did?—I think it likely I did; but I cannot say whether I did or not.

Mr. William Ribton Ward, further Examined.

YOU have heard the evidence Mr. O'Reilly has given; after having heard that evidence, do you deny that conversation which he has stated?—I do, positively.

At what time of the day was it when you were in the office?—I think it was between two and three o'clock; I did not go there till late in the day; it was between two and three when the sheriff came in.

How long did the sheriff stay in the office?—I do not think the sheriff staid three minutes.

Do you recollect Mr. O'Reilly being on the same side of the desk with you?—Yes, we were as close, as we are now near the fire.

And only Mr. O'Reilly and you, with the sheriff, within the desk?—There was my young man, my apprentice, sitting I think, beyond me in the office, close to my elbow.

Within the counter?—Yes.

Then there were within the counter, you, Mr. O'Reilly, the sheriff, and your apprentice?—Yes, there were several others.

Who were they?—There was Mr. Lodge within the counter, Mr. Hall within the counter, Mr. John Chagneau within the counter, and since I saw the report of the evidence, the clerks in the town clerk's office stated to me, that they were in the office at the time; their names are Jackson, Prout, and Hickson.

(*Mr. O'Reilly.*)—They were within the counter, but not on the same side of the desk that we were, near the fire.

(*To Mr. Ward.*)—Are you alluding to the same spot within the desk?—I am alluding to within the counter.

Near the sheriff?—Yes; suppose there was a counter here, and another there, and a desk, there was a fire place, and there were two seats for clerk's here, and two on the other side; Mr. Lodge was sitting at one of the opposite desks, reading a newspaper, that I distinctly recollect.

Who was nearest to you and Sheriff Thorp?—I think, Mr. O'Reilly, Mr. Chagneau, and Mr. Hall.

You are convinced that the sheriff did not remain longer than three minutes?—I am quite satisfied he did not, three minutes was the outside of it.

The summons to you to come over here was originally known to the persons in the office?—It was.

Mr. Terence O'Reilly, further Examined.

YOU have heard the evidence of Mr. Ward; he states that the sheriff did not remain in the office more than about three minutes, and you have stated that the period he continued in the office was twenty minutes?—I said from fifteen to twenty minutes; I cannot be accurate as to the time.

Does not it appear extraordinary that Mr. Ward should make the period three minutes, and you fifteen or twenty; can you explain that?—The only thing that I can say is, that I speak to my recollection of the fact.

Were you personally acquainted with any other individuals who were in the room at the time, except Mr. Macnamara?—I was not, except Mr. Ward.

You knew the persons of some of the others?—No, I did not.

In your former evidence you were asked this question, "How soon after the sheriff had used those expressions did he go?" to which you answered, "Immediately after he had used those expressions, he made the change of dress and went out?"—He made the change of his dress; but after he used those expressions, as well as my recollection serves me, he had a conversation with Mr. Ward which occupied a short time; I may be probably wrong as to the period of time.

Are the Committee to understand that the conversation with Mr. Ward was after he had changed his dress?—No, before.

You state that immediately after he changed his dress, he left the room?—Yes, he did; the last thing he did was to put on his surtout.

Mr. William Ribton Ward, further Examined.

YOU have heard what Mr. O'Reilly has said about the sword and the surtout, is that correct?—I cannot say indeed; if he put on his coat, it is probable I helped him on with it, but I cannot say.

*Mr.
W. R. Ward.
Eight Days.
(May 23.)*

*Mr.
T. O'Reilly.*

*Mr.
W. R. Ward.*

Mr.
W. R. Ward,
Eighth Day.
(May 23.)

What is your recollection about the sword?—I think he took his sword off, and put it on a desk or hung it up; I know he left the sword behind him.

Do you know whether any of the persons that were in the office have the same recollection that you have of this conversation?—All I have spoken to upon the subject have told me that my recollection upon the subject was correct.

Mr. Terence O'Reilly, further Examined.

Mr.
T. O'Reilly.

CAN you assign any reason why it did not strike you with surprise that Sheriff Thorp should have made use of the expression you have stated in an open office before so many people?—Public opinion; and it was supposed the sheriff was interested in the jury he had returned.

Mr. William Ribton Ward, further Examined.

Mr.
W. R. Ward.

WILL you name the individuals in the office that told you, that their recollection corresponded with your's, upon the subject of this conversation?—Will the honourable member permit me to state, on Thursday the 1st of May, for I went into the hall of the courts, Mr. Minchin of Fitzwilliam-square, told me he had been to my house to look for me, that he had heard the clerks in the town clerk's office, had gone over to state that Mr. Sheriff Thorp said he had managed it well; I immediately replied, that that could not be the case, and I gave as my reason for what I had stated, mum or Millikin; I immediately thought it my duty as his agent, to go to the office and ascertain the fact; I went down to the town clerk's office, where the conversation was stated to have taken place; I saw the head clerk there, and he distinctly recollected what had taken place as to mum and Millikin, and that no such words as had been stated were used; I afterwards saw Mr. Francis Lodge; his recollection agreed with the clerks in the office and mine; the matter there rested until Monday the 5th of May; I looked upon it as an idle report; upon that Monday the 5th of May, I met Mr. Hall, and Mr. Hall stated to me, that he wished to see me, and told me that he heard that Mr. Macnamara and Mr. O'Reilly had come over to give some testimony respecting words alleged to have been used by the sheriff; I told him that I did not think Mr. Macnamara was there, that I did not recollect his being there; "Oh," said he, "perhaps the sheriff was in the inner room;" "no," said I, "I did not see him go in there, if he went in there, it must have been before I went into the office;" "however," he said, "I will tell you who were in the inner room, and you may apply to them;" he stated that Lord Rossmore was in the inner room, Sir Garrett Neville, Mr. Palmer, who had prosecuted the ribbon-men, and Mr. Pemberton; I applied to Sir Garrett Neville, to Lord Rossmore, and Mr. Pemberton; my Lord disclaimed having seen the sheriff in that room; I wrote to Mr. Palmer on the subject, and I have brought his letter and a copy of my own, for the information of the House if they wished to read them.

Will you state the names of the individuals that were in the office when the sheriff is alleged to have made use of the words you have spoken to before you came here, whose recollection is the same as your own?—I spoke to Mr. Hall, to Mr. Chagnon, to Mr. Lodge, to Mr. Jackson, to Mr. Prout, and to Mr. Hickson; and they all agreed with me in point of recollection.

And they were all in the sheriff's office?—I recollect four of them being in the office, and the other three told me they were there.

Had the four persons, whose names you mentioned as being in the office, the same opportunities of hearing what the sheriff said, as you had?—I conceive they had.

Were they equally near to him?—They were not equally near to him; some of them at one side of the desk, and I was at the other.

Were they so near, as to have had the same opportunity of hearing the sheriff's words as you?—I think they must have heard him, if they were used.

Were the other three persons near enough to have heard what passed?—I cannot state that, on my recollection; there were several other persons there, inside and outside the counter.

You state, that you conferred with those four persons as to the words the sheriff was supposed to have used?—I have conferred, I think, with six.

And they concur with you?—Yes.

Will you take upon yourself to state, that you stated to those parties the exact same words you have now stated to the Committee?—Yes, as to mum Millikin, I did.

Did

Did they recollect the terms noun *Mallikin* being used?—They did, perfectly well.

They all four did?—Yes, all four.

Mr. Terence O'Reilly, further Examined.

YOU have stated, that you were not surprized at the sheriff making use of the expression you have stated, in a public office with other persons present, on account of public opinion; what do you mean by public opinion?—That from the jury returned, that they would not find the bills.

Whose opinion?—The public opinion; and it was my opinion.

What do you mean by the public opinion?—Every body that differed in politics with the sheriff.

You mean by public opinion, every body that differed in politics from the sheriff?—I do.

Ser Robert Shaw, Bart. a Member of the House;
Examined in his place.

DO you know *Mr. Ward*?—I am not personally acquainted with him.

Do you know his character?—Yes; I understand he is a very respectable man.

A man who bears a respectable character?—Very much so, I know a partnership he was in, as one of the partners, which is a very respectable house.

John Atkinson called; but did not answer.

William Smith called in; and Examined.

WHAT is your name?—*William Smith*.

Do you know *John Atkinson*?—I do.

Have you seen him here this evening?—Yes; very near this house.

What did he do on seeing you?—As soon as he saw me, he immediately got into an entry just outside, seemingly as if to hide himself.

Was he in the lobby here?—No, I did not see him here, but outside.

At what time?—About half-past five.

Have you been summoned here as a witness?—I have.

You have mentioned that *Atkinson* appeared desirous of concealing himself?—Seemingly, I believe.

Do you believe that he and his brother have been exposed to a great deal of abuse and obloquy, since they gave evidence upon the trial?—Not particularly so, from the evidence they gave.

Have they from any cause?—No, not from any cause, except giving as we thought, false testimony.

Then you may very well suppose that *Mr. Atkinson* may have avoided meeting you, without having any desire to avoid being produced here?—He seemingly avoided being seen by me and my friend coming along.

Who is your friend?—*Robert Fletcher*; he immediately, as he saw us come down from the steps at Westminster-bridge, got into a passage on the left-hand as if to conceal himself.

Do you think *Atkinson* had any reason for his desire of avoiding you and *Robert Fletcher*?—No, not any particular reason.

Who is *Robert Fletcher*?—He is a witness summoned here.

Is he a son of a laceman?—No, he is not a son of a laceman.

Is he a laceman himself?—He is not.

Where does he live?—On Essex-bridge, or rather, in Parliament-street.

Is he not the master of the lodge 1612?—He is.

To what lodge do you belong?—1612.

You are in the same lodge?—I am.

Do not you consider, that *Atkinson* might not wish to expose himself to the meeting with a master, and a member of the lodge 1612?—No; I have seen him continually since that, and he did not seem to wish to avoid me.

He did not seem under any apprehension?—Not the least.

There was no expression made use of, with respect to *Atkinson* and his brother, by the master of that lodge?—Certainly not.

Mr.
W. R. Ward.
Eight Day.
(May 21.)
Mr.
T. O'Reilly.

Ser R. Shaw,
Bart.

J. Atkinson.

W. Smith.

W. Smith.

Eighth Day.

(May 25.)

To what do you attribute his retiring, when he saw the master, and a member of that lodge?—Maybe from a guilty conscience.

Had there been no expression of dissatisfaction used by you, or the members of that lodge, from his giving false testimony?—Certainly not.

Nor no displeasure?—Certainly not, because there was no conversation held.

No displeasure expressed, in consequence of his giving false testimony?—There was no displeasure; but there was no wish for further acquaintance with him.

Had you any conversation with Mr. Robert Fletcher, in respect to the evidence he could give on this occasion?—No, certainly not, not one word; nor with any other person.

You are a member of an Orange lodge?—I am a member of an Orange lodge.

Are there any portions of scripture read to the Orangemen, upon their admission to those lodges?—Yes, there is, certainly.

From what part of Scripture are those portions taken, from the Old Testament or the New?—Upon my word, I really cannot say, it is so long since. I have been these some years an Orangeman, and really I cannot now say; it might have been from the Old.

Can you take upon yourself to say, whether any passage out of Joshua is read?—Yes, there is.

What is the nature of that passage, what are the terms of that passage?—I really cannot say any thing about it.

Do you recollect there is a passage out of the book of Joshua read?—I have not a doubt but there is.

Can you recollect, whether the passage out of Joshua, that refers to the rooting out the Amalekites out of the land?—No, I do not think that there is that passage in it, as far as I can recollect.

Will you take upon yourself to say, whether there is not a verse or verses read from the book of Joshua, which enjoined the Israelites to root out the Amalekites out of the land?—Not as I can recollect, certainly not.

Will you take upon yourself to say, that no such passage is read to the persons admitted into an Orange lodge?—I cannot take upon myself certainly to say, but as far as my recollection serves me, certainly not.

Mr. Dillon Macnamara, again called in; and Examined.

Mr.
D. Macnamara.

IT is understood that you have expressed a wish to explain a passage in your testimony, respecting Mr. Hall?—When I was asked the question, whether I had had any communication with Mr. Hall on the testimony I would give, I think my answer was, I had not; that I had very little communication with that gentleman ever; but, on recollection, I find that in going into one of the passages leading to the court, or the yard leading to the court in Dublin, I met a Mr. Butler there, after Mr. Riddall and another of the witnesses got the summons to attend the house, and I was speaking to Mr. Butler, and mentioning what I thought they were to be examined on; Mr. Hall might have considered that a conversation with himself, but I had no conversation with him; he was present, I recollect, at the time. That was what I wished to explain.

Sir Abraham Bradley King, Bart. called in; and Examined.

Sir
A. B. King, Bart.

WHAT is your name?—Abraham Bradley King.

Had you at any time put into your possession, a panel intended for either of the juries to be returned in reference to the trial of the rioters, either the grand or the petit jury?—Never.

Do you know whether such a panel was put into the hands of Stoker your clerk?—I know nothing of the kind, nor do I believe it.

It is understood that you are a member of one of the Orange lodges, grand master or deputy master of one of the Orange lodges?—I am a member of an Orange institution, and have been since the year 1797. I was deputy grand master of the Orangemen in Ireland, and I do feel proud, in this honourable House, to acknowledge that I was so, looking upon the Orangemen to be the saviours of the country.

You of course are well acquainted with all the rules of the institution?—I believe pretty generally so; not perhaps so well as some others.

Are

Are there any portions of Scripture read to the Orangemen on their admission?—There are; and in order to put the House and this Committee into possession more particularly of the rules and orders of the society, I have brought with me one of the printed books, which I beg to hand in to the Committee, for their further information; printed by myself.

Sir
A. B. King, Esq.
Eighth Day.
(May 23.)

[*The Witness delivered in the Book:—vide the same, at the end of this day's Minutes.*]

Are there no portions of Scripture read to the Orangemen upon their admission?—Upon the opening of every lodge there is a prayer read, and at the closing of it.

The question refers to the admission of persons who have not been Orangemen before, to become members of the institution; are there any portions of Scripture read to them at the time of their admission?—Nothing more than the handing them the book for their instruction, to know whether they subscribe to that, or wish to become a member; nothing more than I know of.

Will you take upon yourself to say, that there are no portions of Scripture read at the time of their admission?—Not further than I have stated before; the book being put into their hands, and that they may object to any part which they please, or the whole.

Are there any portions of Scripture inserted in that book?—There are.

Will you state what portions of Scripture are inserted?—I will read the prayer which I conceive to be the portion of Scripture that the honourable Member alludes to.

Do you recollect whether any portion of the book of Joshua is read to the Orangemen at the time of their admission, or has been at any time read to them since you were a member of that institution?—That is part of the secrets of the Orange institution, which I cannot answer to; but I will say this, in explanation, if I am allowed, that there is nothing whatsoever in what the honourable Member alludes to, in my opinion, that at all interferes with what is right. I mean to say, there is nothing that I know of: I really feel myself so puzzled, with respect to my feeling, as to developing and declaring any thing that I am bound by an obligation to withhold, and a feeling of respect for this honourable Committee, that I do trust I shall not be pressed to say that which might hereafter be considered as an evasion of my answer; I wish to give the fullest and fairest answer to any question that can be given to every inquiry; I have come here for the sole object of declaring every thing I know upon the subject; I wish to withhold nothing on earth.

Is the Committee to understand, that you are under an obligation on oath, not to divulge what passes in those meetings?—To a certain extent, I am under an obligation to hold secret the signs and words of the institution of the society. As I said before, there is every thing contained in this book, but the words and the signs that I am sworn to keep secret.

Is there not read or was not there read to Orangemen, at the time of their admission, at any time since you became a member of the institution, a verse of Joshua exhorting the Israelites to root out the Amalekites from the land, and exterminate them utterly?—No such thing that I recollect.

Will you take upon you to say, that no such verse is or has been at any time read to the Orangemen on their admission, since you have been a member of the institution?—I say again, certainly not, that I recollect, to that effect, to that extent.

Is there any thing read to the Orangemen respecting the Amalekites?—As I said before, that certainly goes to a part of my obligation.

Is there, or is there not, any thing stated from the Scripture to the Orangemen respecting the Amalekites?—Prior to their being sworn, certainly not.

At any time, either at their admission or afterwards?—As to what passes after they are sworn, I do conceive that I am not at liberty to divulge that.

[*The witness was directed to withdraw.*]

[*The witness was again called in.*]

Is there, or is there not, any thing stated from the Scriptures to the Orangemen respecting the Amalekites?—My answer to that question is, that I conceive, being sworn to secrecy, I cannot say any thing further upon that subject.

[*The witness was directed to withdraw.*]

[*The witness was again called in.*]

Sir
A. D. King, Esq.
English Dep.
Ques 73.)

Chairman.—Sir Abraham Bradley King: You have objected to answer a question which was asked you, on the ground, that as a member of a certain society, you have taken an oath, which, in your opinion, made it improper that you should give that answer: The Committee have taken the question into consideration, and are of opinion that no oath taken in any private society can be offered as a plea, in bar of any answer required by a judicial inquiry, and still less any inquiry before this House; they have therefore ordered me to direct you to answer the question.

Is there, or is there not, any thing stated from the Scriptures, to the Orangemen, respecting the Amalekites?—I have turned in my thoughts, as much as I possibly could, since the question was first asked me, the nature of the question; and I cannot take upon me exactly to state the words; but this much I will say, with great respect and deference to this Committee, that there is nothing whatsoever, in any words, or any part of the obligation, or any statement before or after, that goes to exterminate (if I may so call it, from the manner in which the question was put to me;) any portion of His Majesty's subjects whatsoever.

Is there, or is there not, any thing stated, from the Scriptures, to the Orangemen, respecting the Amalekites?—I have no particular recollection of the words; but I must again say, with great respect, that there are words connected with the obligation I have taken, that I cannot nor the universe could not, make me disclose.

Do you conceive that that obligation extends to prevent you from saying, yes or no, to the question that was asked you last?—I stated before, that I have no recollection of the precise words; that there are words that certainly do not bear at all the meaning of the honorable Member, who put the question: I say, there is nothing whatsoever: I give it more generally, there is nothing whatsoever in the obligation, before we take or after we take it, or in the whole institution of the Orangemen, that goes to exterminate, or to justify the idea of the extermination, of any class whatever of His Majesty's subjects.

Do you conceive the obligation you have mentioned prevents your answering, yes or no, to the question which was put to you?—I have stated already, that I do not recollect the precise words.

Is there any thing, respecting the Amalekites, stated to an Orangeman?—If the words, that I have sworn to keep secret, at all refer to that, I cannot answer the question.

You are asked, whether you conceive that the oath you have taken prevents your answering, yes or no, to that question; does it, in your conception?—Decidedly it does, if those make part of what I am sworn to conceal.

Do those words make part of what you are sworn to conceal?—I have stated before that I do not recollect.

Then will you answer, or no, to the question, which has been put to you?—I do not recollect.

Do you mean to state to the Committee, that you do not recollect whether the word Amalekites, is stated to an Orangeman, in the way which the question implies?—I rather think not.

Will you take upon yourself positively to say, that it is not so?—I cannot recollect; but if I am compelled to give an answer upon my belief, I rather think not.

Will you take upon yourself positively to say that they are not?—Certainly I will not.

How long were you deputy grand master of the Orangemen of Ireland?—Some years.

Was it a part of your duty, as deputy grand master, to be present at the ceremonies which passed on the admission of Orangemen, or after their admission?—Sometimes it was; sometimes I might be present, at other times I might not.

In point of fact, have you been frequently present?—I have frequently seen Orangemen made.

Have you been frequently present at ceremonies which have passed after the admission of Orangemen?—Frequently before and after.

Are there certain stated and fixed ceremonies, which do pass before and after?—Certainly.

Do you mean to say, that you have not a distinct recollection of what those ceremonies are?—I do.

How long is it that you have ceased to be deputy grand master?—I think it is nearly three years; better than two.

You again say, that you cannot take upon yourself to recollect, whether any thing

thing is communicated to Orangemen, either before their admission or after, about the Amalekites?—I cannot take upon me to say that there is.

You have ceased to be deputy grand master about two years?—Nearly three.

Did you continue to do the duties during the whole time you held the office?—Whatever duties there were, I performed to the best of my abilities.

How long is it since you were present at the administration of any of those ceremonies to Orangemen?—Certainly not for the last three years, I think.

Is there any thing in the obligation of an Orangeman's oath, that, under any circumstances whatsoever, would call upon him, or oblige him, or authorize him, to withhold testimony from any court of justice, of any transaction that took place in life, that he was called upon as a witness to give his evidence to, in that court of justice?—Certainly not, with respect to the ordinary occurrences of life.

Does the obligation of an Orangeman authorize him to withhold evidence, as to any crime inquired into by a court of justice, or with respect to property, the subject matter of discussion in a court of justice, before a judge and a jury?—Certainly not.

Is it more the obligation of an Orangeman to maintain and support the law, and give effect to justice, than to withhold evidence, where it may be necessary to the elucidation of justice and truth?—We give the fullest and fairest testimony that is possible; every Orangeman is bound to do so; with the exception, as I said before, of divulging the words and signs that he is sworn to keep secret; and nothing else; and that is only that we shall be known to each other; and has no reference whatever, to any thing whatsoever, more than that we shall make ourselves known in time of need and necessity.

Is it any part of the obligation of an Orangeman, not to assist all classes of His Majesty's subjects, as well those that are not Orangemen as those that are, in preserving them in the full possession of their rights, and doing them justice in any court where they may be called as witnesses?—There is nothing in the obligation to that effect; but there is in the Declaration; and for that purpose I brought the book here, and tendered it to the Committee for their further information.

Does the Declaration contain all the rules and regulations of Orangemen?—It does.

And the oath?—The oath is there also.

You do not understand the oath to be a secret?—Certainly not; it is in that book I have given in.

How long has that oath been used in Orange societies?—I think I took it in the year 1797.

Has it never been altered since 1797?—Yes; there was a slight alteration in the oath in 1820.

Do you recollect what that was?—I think I do; it was something very trivial; it was to make it more to correspond with the society in England.

With that exception, has it continued the same since 1797?—Yes, precisely.

Before 1797, it was a different oath?—There was none before 1797, I imagine; 1796 or 1797, I believe, was the institution of the Orangemen; it was prior to the rebellion in 1798.

Do you mean to say, there never was, at any time, an oath, binding the members of an Orange club, not to give evidence against a brother?—Never, that I know of.

Not to give evidence, with the exception of treason and murder, and those left to their discretion?—Never, that I recollect; I do not think I could have forgotten, if there was.

You do not recollect any other oath besides the present?—No; with the exception of the slight alteration in 1820, I know of no other.

You say, you are not bound to conceal any thing, except the signs and the words?—Exactly so.

Do you include in the words, certain things that may be communicated to you upon your admission?—Certainly.

The oath binds you to conceal that, which is communicated to you upon your admission?—Certainly; like the Friendly Brothers, and the Freemasons, and any other society.

Suppose a question should arise, in a court of justice, which should lead to this interrogatory being put, "What were the words communicated to you upon your admission,"

See A. B. King,
Bert.

Eighth Day.

(May 23.)

753

Sir A. B. King.
Bart.
Eighth Day.
(May 13.)

admission into such a lodge," before a judge and a jury?—I should not answer that.

You, before that question had been put to you, having taken an oath in the court, formally administered to you, swearing before Almighty God and upon the Gospels, to tell the truth, and the whole truth, how should you, after taking that oath without any qualification or reservation, conceal any answer to the question put?—I do not think that that oath absolves me of the former one.

You are understood to say, that you have been present at the admission of several members to an Orange society, is that the case?—I have.

And that, within a period of about three years ago, not later?—Yes.

Is the administering of an oath part of the ceremony of the admission?—Certainly.

You have been present at the administration of the oath, upon the occasions of which you are speaking, when you say you have been present at the admission?—I have, and administered the oath myself.

And that in many instances?—Several.

As many as twenty?—Oh, I dare say I might say more, considerably more.

Forty or fifty?—I cannot exactly say the number, but to a great many.

Is the Committee to understand you to say, that you have no recollection, having been present that number of times, as to whether there is the phrase of Amalekites in the oath?—Certainly not.

In what is communicated after the oath?—I have no recollection that there is any such phrase.

Do you mean to be doubtful whether there is such a one, or not?—I will not take upon myself to say positively; but if I am to give my belief, I am rather inclined to believe, there is not.

Do you recollect from what parts of Scripture those passages are taken?—I must again decline to answer that question; that is part of the question that, with great respect, I must decline answering; and I do trust the Committee will recollect, that I am under the solemn obligation of an oath; the words and the signs are the only things that I am prevented from giving testimony of; and I throw myself upon the Committee, I trust they will not press me upon a question of that kind.

Have you any doubt but that, amongst those words, there are quotations from Scripture?—Certainly there are.

Do you object to state, if you remember them, from what part of Scripture those quotations are?—That, I conceive, comes to the point that I before stated that I feel I cannot answer.

The Committee is to understand, that you object to stating from what part of Scripture the quotations are?—The reason I feel myself obliged to object to answering that question is, that it might lead, if I told the part of Scripture, to a knowledge of what those words were, which I am bound to keep secret.

Chairman.—Sir Abraham King: I have already informed you, that the Committee has already decided, that the questions asked in the House must be answered; and that the objection you have made to answering them, is not valid; you will consider well, before you refuse to answer the questions which this House has unanimously resolved ought to be answered?—It is my most anxious wish to give the fullest and the fairest answer to every question that can be put to me; but where I am asked to declare that, that I have sworn not to declare, I may hope and trust, the Committee will not press it upon me; it is placing me in that situation that, let the consequences be what they may, they must fall upon my head, and I must be the sacrifice.

Chairman.—The oath you have taken is a voluntary oath; it is not an oath acknowledged, or which can be acknowledged, as valid in any court of justice; if you were at this moment questioned in a court of justice, as a witness, you would then be put upon oath to answer the questions which were asked you; and you cannot possibly hesitate to be convinced, that a private oath you have voluntarily taken, could not possibly interfere with the oath you will solemnly take in a court of justice: now the authority of this House, though you are not on oath, is considered as of greater authority, and of higher importance, than that of a court of justice; and, under these circumstances, if you will consider for a moment, you must have sufficient understanding and reflection to see, that the questions put must be answered?—I am quite aware of the responsible situation in which I am placed; I feel every respect, and I know the situation, in which I am at this moment placed, standing in the first assembly in the world: I do feel, and I do acknowledge, every power that this House possesses, but

but that of stepping between me and God and my conscience: I cannot help the consequences falling upon my head; severe as they may be, I cannot give up my conscience.

Do you refuse to answer the question, *aye or no?*—Distinctly so.

[The witness was directed to withdraw.]

[The witness was again called in.]

Sir A. B. King,
Bart.

Eighth Day.

(May 23.)

Chairman.—Sir Abraham Bradley King: I am now to ask you, whether, after the time you have had for reflecting upon the question which was asked you, you are now willing to answer the question; do you object to state, if you remember them, from what part of Scripture those quotations are?—I do; but I do think it would not be dealing with that candour, which I think every person, placed at this bar, is bound to pay to this House, to tell every thing he knows according to the questions asked, if I did not say, that I might generally refer you to the part of Scripture, but in doing that, I know that it would subject me to be followed up by other questions, which would come in the end perhaps to the same thing.

Chairman.—It will be quite time enough to object to any question which is objectionable, when that question is asked?—I will only say, that in the part of Scripture alluded to, there is nothing whatsoever contained, more than the signs and words by which Orangemen know each other, and that is to be found in the Old Testament.

Do you mean that the verse, or verses of Scripture, which are referred to, are merely used as a symbol or token by which one member of the association can recognize another?—Precisely so.

Exclusively for that purpose?—Exclusively for that purpose, and for no other.

Is there expressly, or by implication, an obligation on any members of the association, who make a reference to the Scripture in that way, to observe any maxim contained in that text of Scripture?—Not at all, there is nothing that I can recollect at this moment.

In the book you have delivered in, it appears that what is called the Obligation of the Purpleman, is in these terms "I do solemnly and voluntarily swear, that
" I will keep the signs, words, and tokens of a Purpleman, from an Orangeman,
" as well as from the ignorant; unless authorized to communicate them by the
" proper authorities of the Orange Institution" have the words, which are referred to, any other force than the signs or tokens?—None.

[The witness was directed to withdraw.]

[The Chairman was directed to report Progress, and ask leave to sit again.]

RULES
AND
REGULATIONS
FOR THE USE OF ALL
ORANGE SOCIETIES,
REVISED, CORRECTED, AND ADOPTED,
BY THE
GRAND ORANGE LODGE
OF IRELAND,

Assembled at Dublin, in January
1820.



Dublin;

PRINTED (GRATIS,) BY ABRAHAM BRADLEY KING.

JANUARY, 1820.

GRAND OFFICERS
OF THE
GRAND ORANGE LODGE
OF
IRELAND.

General ARCHDALL, M. P.
Alderman A. B. KING,
Captain COTTINGHAM,
Captain NORTON,
Captain FITZSIMONS,
William STOKER, Esq.
Reverend I. GRAHAM, A. M.

Grand Master.
Deputy Grand Master.
Grand Treasurer.
Grand Secretary.
Deputy Grand Secretary.
Deputy Grand Treasurer.
Grand Chaplain.

WHO with the grand officers and proxies of counties and cities, together with twenty-one brethren of known zeal, talents and respectability, of the Purple order, to be chosen annually, by ballot, shall hereafter constitute the GRAND LODGE OF IRELAND.

The

The G. O. I. having assembled, pursuant to notice, on Monday, the 10th Jan. 1820,—and having heard the detail of sundry proceedings, which took place in the counties of Cavan and Westmeath, read—came to the following resolutions:—That a change in the Orange system had been rendered necessary, and that a committee should be appointed to carry the same into effect; the committee thus appointed, consisted of the following gentlemen:

Alderman A. B. KING, D. G. M.

Capt. COTTINGHAM, G. T. and G. M.
Cavan.

Capt. NORTON, G. S.

Capt. FITZSIMONS, D. G. S.

Col. BLACKER, G. M. Armagh.

JOSEPH GREEN, Esq. G. M. Tyrone.

Hon. RICHARD WESTENRA, D. G. M.
Monaghan.

MATTHEW F. JOHNSON, Esq. Proxy,
Co. Antrim.

Counsellor FITZSIMONS, Master, 1638.

JOSEPH THETFORD, Esq. G. S. County
Monaghan.

ROBERT DUNCAN, Esq. Proxy, Co.
Down.

LORD VISCOUNT MOUNTMORELIS DE
MONTMORENCY, 1638.

WILLIAM STOKER, Esq. Master, 1640.

Who having met on the Tuesday, Wednesday, and Thursday following, proceeded, on the evening of the day last mentioned, to lay before the grand lodge the following report of their proceedings.

THE COMMITTEE appointed to carry into effect that change in the system of the association which circumstances have rendered necessary, beg leave to report, that they have given their most serious attention to the very important trust reposed in them, and have much gratification in thinking that they have fulfilled the duties laid upon them, in a manner which they conceive highly calculated to answer the ends in view, and to give the fullest satisfaction to the brethren of the Orange institution.

In making the change required, it has been their study to keep in view and to restore the sublime simplicity of the original Orange institution; and to keep as widely as possible from approaching —(in the only thing in our institution which can be classed under the head or denomination of "mystery," viz. those signs, &c. whereby we are to guard ourselves and our association against the danger of hostile intrusion) the system of other recognized associations.

In making the change requisite, they have not been unmindful of the inculcation of those principles which led our prototypes through the wilderness,—and the founders of the association through the dangers which called it into existence, and beset its infancy, viz. dependence on and confidence in that Power in whose hand alone are the issues of life, and the sure foundation of all prosperity.

All human institutions are liable to error and corruption; it cannot therefore be matter of surprise, however it may be of regret, that ours has suffered beneath the hand of time. But the committee rejoice to think that its dilapidations will now be repaired, and that it will stand once more, and for long ages to come, firm and beautified in all the grandeur and simplicity of its original foundation; and that the late efforts of our enemies, which were at first the cause of dismay and apprehension, have been, in fact, the cause of much real good, and productive of advantage rather than injury; thus giving us a sure and certain evidence how frequently a protecting providence is really watching over the best interests of man, while to our limited vision, he appears to be wielding the rod of chastening affliction.

The committee, from several circumstances arising out of the present inquiry, are led to observe, that various and jarring forms of admission and initiation have tossed their way into different lodges, together with ceremonies, &c. not only unknown to the original simplicity of the institution, but in many cases repugnant to common sense, to the religious feelings of many most worthy brethren, and even to common decency. In order to guard against the future recurrence of this crying evil, the committee have thought fit to institute a form of admission and initiation, which they consider fully adequate to the end in view, and which will be to combine with due levity a proper degree of the solemnity, so necessary to be observed, at the important moment of a man's dedicating himself by a voluntary obligation, taken in the face of his brethren, to the zealous discharge of his duties as a loyal protestant. And they trust that the enjoined strict and undeviating attention to this form alone, throughout all the ramifications of the institution, will form the safeguard of the

association, from future injury, not only from enemies without, but from the indiscreet zeal of over anxious, though, doubtless, well-meaning brethren, within the pale of the Orange association.

And here the committee might be supposed to have performed their duty to the extent of the powers specially vested in them, and might therefore consider themselves as exempt from further labour: but they feel that they cannot conclude, without pointing out some further improvements in the general system of the association, which have grown out of the present investigation, and which they recommend to the adoption of the society,—and though they may, at first sight, appear but of minor interest and consequence, they will be found, upon due examination, to be highly essential; and, like the out-works of a great citadel, though small in comparison with the main edifice itself, are nevertheless most materially conducive to its strength and security. These consist in sundry alterations in the obligations, governing system, general management and interior economy.

In making these alterations, should the committee appear to have gone beyond the limits seemingly prescribed to them, it is to be attributed to the heartfelt interest they take in the real welfare of our glorious institution: Further emboldened by their proceedings to this effect, having the material sanction of the great Orange counties of Antrim, Armagh, Cavan, Down, Monaghan and Tyrone, as expressed by their respective grand master, either personally or by due proxy, and also of the most worshipful the grand master of Ireland, as expressed by him through the deputy grand master.

GENERAL DECLARATION

OF THE OBJECTS OF

THE ORANGE INSTITUTION.

WE associate, to the utmost of our power, to support and defend His Majesty, King George the Third, the constitution and laws of this country, and the succession to the throne in His Majesty's illustrious house, being Protestants, for the defence of our persons and properties, and to maintain the peace of the country: and for these purposes we will be at all times ready to assist the civil and military powers, in the just and lawful discharge of their duty. We also associate in honour of King William the Third, Prince of Orange, whose name we bear, as supporters of his glorious memory, and the true religion by him completely established in these kingdoms; and, in order to prove our gratitude and affection for his name, we will annually celebrate his victory over James at the Boyne, on the first day of July O. S. in every year, which day shall be our grand day for ever.

We further declare, that we are exclusively a Protestant Association; yet, detesting as we do any intolerant spirit, we solemnly pledge ourselves to each other, that we will not persecute, injure, or upbraid any person on account of his religious opinions, provided the same be not hostile to the state; but that we will, on the contrary, be aiding and assisting to every loyal subject, of every religious description, in protecting him from violence and oppression.

Qualifications requisite for an Orangeman.

He should have a sincere love and veneration for his Almighty Maker, productive of those lively and happy fruits, righteousness, and obedience to his commands; a firm and steadfast faith in the Saviour of the world, convinced that he is the only mediator between a sinful creature and an offended Creator, without these he cannot be a christian; of a humane and compassionate disposition, and a courteous and affable behaviour. He should be an utter enemy to savage brutality, and unchristian cruelty; a lover of society, and improving company; and have a laudable regard for the Protestant religion, and a sincere desire to propagate its precepts; zealous in promoting the honour, happiness, and prosperity of his king and country; heartily desirous of victory and success in those pursuits, yet convinced and assured, that God alone can grant them. He should have an hatred to cursing and swearing, and taking the name of God in vain, (a shameful practice); and he should use all opportunities of discouraging it among his brethren. Wisdom and prudence should guide his actions; honesty and integrity direct his conduct; and the honour and glory

glory of his king and country, be the motives of his endeavours. Lastly, he should pay the strictest attention to a religious observance of the Sabbath; and also to temperance and sobriety.

OBLIGATION OF AN ORANGEMAN.

I, A. B. do solemnly and voluntarily swear, that I will be faithful and bear true allegiance to His Majesty King George the Third; and that I will to the utmost of my power, support and maintain the laws and constitution of the United Kingdoms of Great Britain and Ireland; and the succession to the throne in His Majesty's illustrious house, being Protestant.

And I do swear that I am not, nor ever was a Roman Catholic or Papist. That I was not, am not, nor ever will be a member of the society called United Irishmen, nor any other society or body of men, who are enemies to His Majesty, or the glorious constitution of these realms. And that I never took the oath of secrecy to that or any other treasonable society.

I swear that I will as far as in my power lies assist the magistrates and civil authorities of these kingdoms, in the lawful execution of their official duties, when called on. That I will be true and faithful to every brother Orangeman in all just actions. That I will not wrong, or know him, to be wronged or injured, without giving due notice thereof, if in my power. And I solemnly swear, in the presence of Almighty God, that I will always conceal and never will reveal either part or parts of what is now to be privately communicated to me, unless to a brother Orangeman, knowing him to be so by strict trial and due examination, or from the word of a brother Orangeman; or until I shall be authorized so to do by the proper authorities of the Orange Institution.* That I will not write it, indite it, cut, carve, stain, stamp, or engrave it, or cause it to be done, lest any part thereof might be known. And lastly, I do swear that I have not to my knowledge or belief been proposed and rejected in, or expelled from any other Orange society. So help me God and keep me steadfast in this my Orangeman's obligation.

OBLIGATION OF A PURPLE MAN.

I do solemnly and voluntarily swear, that I will keep the signs, words and tokens of a Purpleman from an Orangeman, as well as from the ignorant, unless authorized to communicate them by the proper authorities of the Orange Institution.* And that I will not make an Orangeman, or Purpleman, except only whilst I shall act as master of an Orange lodge. And that I will not make, nor assist at, or sanction the making of any member in any other order purporting to be part of the Orange system, than the Orange and Purple, which are the original orders of the Orange Institution. So help me God, and keep me steadfast in this my Purpleman's obligation.

GENERAL RULES FOR THE GOVERNMENT OF ORANGE LODGES.

1st. That every member of the Orange Institution shall undergo a new election, whenever the grand lodge may think it expedient.

2d. That each lodge then existing shall, on such occasion, elect by ballot five of its members; that those five members shall then proceed to re-admit, or reject the remaining members of such lodge; and that each member, as he shall be so re-admitted, shall become qualified to proceed with the said five original members to the further re-election of others; but that, in the event of any person being discontinued as a member of his lodge, or wishing to become a member of another, he cannot be ballotted for in any other, without producing to the Committee of such lodge a certificate from his former lodge, specifying the cause of such change, and that he is a fit and proper person to be admitted, or continued an Orangeman.

3d. That each lodge shall have a master and deputy master, a secretary and deputy secretary, a treasurer and five committee men: the master to be appointed by the lodge; the deputy master, secretary, deputy secretary and treasurer, by the master, with the approbation of his own lodge; and the first committee man by the master, the second by the first, and so on, until the number of five be completed. The election to each of those offices to take place at the first regular meeting in April, for one year, from the first day of July ensuing; which election,

and

* The proper authorities, from whom liberty to make such disclosures, must be obtained, is the GRAND ORANGE LODGE of Ireland, signified under their great seal.

and every other change or alteration, that may take place, shall be forthwith certified to the grand master of the county or city, to be by him forwarded to the grand lodge to be there recorded.

M.; D. M.; S.; D. S.; T.; and C. Men.

Each person, on his appointment, to make a declaration, on his obligation as an Orangeman, to the following purport, according to his office; viz.

Master, and Deputy Master.

That I am not made a master, &c. for any private emolument, or advantage to myself.

That I am not a publican, nor will I become a publican, or retailer of spirits, or malt liquors, whilst I remain in office in any lodge.

That I will exert my authority to maintain sobriety and good behaviour in my lodge, and a strict observance of the rules for the government of Orangemen, as published by the grand lodge of Ireland.

Secretary, and Deputy Secretary.

That I will, to the utmost of my power, keep regular, and preserve the papers, books, seals, and other property of the lodge, entrusted to my care; having them at all times ready to produce to the proper or legal authority; and that I will not lend the seal of my lodge to any person whatever, nor affix it to any paper or instrument whatever, unless by the order of the lodge, regularly assembled.

Treasurer.

That I will fairly account for all monies which shall come to my hand on account of, or for the uses of the lodge, whenever the master and officers of my lodge shall require the same; and hand in all balances, or sums of money in my hands to such person or persons as the master and officers shall order or direct.

Committee Men.

That whenever I shall fill the chair of my lodge, I will perform the duties of master, for the time, to the utmost of my ability; and in all cases which shall come before me as a committee man, I will act with fidelity and impartiality, without favour or affection, or personal dislike to any man.

4th. That the affairs of each lodge be conducted by the master, deputy master, secretary, deputy secretary, treasurer, and the five committee men.

5th. That in the absence of the master, the deputy master shall preside; and, in his absence, the senior committee man, who shall be present; but that no other person whatever shall have the power of making an Orangeman, unless authorized and permitted by the grand lodge so to do.

6th. That each candidate for admission shall in future be certified to be 18 years of age, and that he shall be proposed by one, and seconded by another member at one meeting, and admitted or rejected at a subsequent one; no election can take place, unless the person proposing or seconding be present.

7th. That one negative shall exclude.

8th. That any person wishing to become an Orangeman, must be admitted into the lodge nearest his place of abode (except in cities and great towns), or have a recommendation from that lodge, that he is a proper person, before any other lodge can accept him; to which masters of lodges are directed to pay particular attention.

9th. That the names of persons withdrawn and rejected in, or expelled from any lodge, shall be forthwith sent by the master or secretary to the district master, with the objections to such persons, in order that the district master may communicate the same to other lodges; as those who are unfit for one lodge must be so for every other.

10th. That each member, on admission, shall pay such sum of money (not less than five shillings) as shall be established by the rules of the lodge.

11th. That masters of lodges do make returns to their district masters of the numbers, names, and places of abode, of the members of their respective lodges, every six months.

12th. That in order to establish a fund to defray the various and necessary expenses of the grand lodge and county grand lodges, all members are in future to pay the

the sum of three pence annually, in the month of April, to the treasurer of their respective lodges, who shall hand over the amount to the district master, at the district meeting in May, to be by him paid to the grand treasurer of the county; out of which sum one-third is to remain in the hands of the said county treasurer, for the necessary expenses of the county grand lodge; the other two-thirds to be by him transmitted to the grand treasurer of Ireland. But in case there shall be neither grand or district master in the county or city in which the lodge or lodges shall be held, in such case the treasurer of such lodge or lodges, shall transmit the annual payments of his lodge to the treasurer of the grand lodge of Ireland, or his deputy, in such manner as shall be most convenient to him.

13th. That as regiments are considered as districts, the masters of all regimental lodges do make yearly returns of the number, names, and rank, of the members of their lodges to the secretary of the grand lodge; but that they shall not make an Orangeman, except the officers, non-commissioned officers, and privates of their respective regiments; and that they do remit to the grand treasurer of Ireland, the yearly subscription, on every 1st day of May in each year.

14th. That no visitor shall be admitted into any lodge, unless introduced by members; and that new members shall not be initiated in the presence of any visitor, who shall not be personally known and vouched for by some member of the lodge then present, to be of the order into which the new member is about to be initiated.

15th. That no master shall initiate any Orangeman into the Purple order, who does not belong to his lodge, without a certificate from the lodge to which such Orangeman may belong; and that no member can, on any account, be raised to the dignity of the Purple order, who has not been an Orangeman for twelve months at least, and has attended eight monthly meetings during that period; save in the instance of a member who has been elected to the office of master, deputy master, secretary, deputy secretary, treasurer, or committee-man.

16th. All members to be subordinate to the master, or person presiding for him, who shall have full power of fining all disorderly persons to any amount not exceeding —

17th. Any dispute arising, not provided for by the rules, is to be decided by the officers of the lodge; and the parties must abide by their decision, on pain of expulsion; saving the right of appeal in all such cases, in the first instance, to the district lodge, composed of the district master and the masters of the several lodges in the district, in which is situated the lodge from whence the appeal is brought; and in the event of either of the parties concerned in such appeal, thinking themselves aggrieved by the decision which such district lodge shall come to thereon, a further appeal shall be allowed to the grand lodge of the county duly assembled; and again from the decision of the county grand lodge to the grand lodge of Ireland, whose determination must be final and conclusive in all cases.

18th. That in all cases of complaint against any member, and also in all cases of appeal, the lodge before which such complaint or appeal shall be brought, shall take down in writing the complaint, and the defence, and the evidence given on each side, and preserve the same amongst the records of the lodge, either for the purpose of future reference, or in case of appeal, for transmittal to the lodge before which such appeal shall be brought.

19th. That no election or other business do take place, unless ten members at least be present, provided the lodge consist of so many; if it do not, then two-thirds of the members must be present.

20th. That no member of this institution shall wear, in an Orange lodge room, any colours except orange and purple.

21st. That no lodge business shall be transacted, except during the time in which the lodge shall be open, and that dinner, supper, or drink, shall not be introduced during that period.

22d. As the laws of religion, as well as of morality, should be observed with peculiar attention by all Orangemen, it is forbidden, under pain of being fined, that any person shall, on any account, be guilty of profane swearing or cursing in their lodge room, or appear there in a state of intoxication, the amount of the fine to be imposed for a breach of this regulation, to be at the discretion of the person presiding at such lodge; and the person intoxicated shall be inadmissible to sit in such lodge, at the meeting then held.

23d. The secretary is to read out, before the books are closed, the names of persons proposed for the next night.

24th. A tyler is to stand on the outside of the door, while business is going on; to be nominated by the master, or whoever may preside at the time.

25th. That no Orange lodge shall be held without the authority of a warrant from the grand lodge of Ireland, signed by three of its officers (the grand master or deputy grand master, being one of the three), countersigned by the grand master, or deputy of the county, and sealed with the seals of the grand lodge of Ireland, and of the grand lodge of the county in which such lodge shall be held.

26th. That all applications for warrants shall be made through the district lodge, to the county grand lodges, to be thence forwarded to the grand lodge of Ireland under their respective seals, transmitting therewith the sum of one guinea.

27th. That no Orange warrant shall be exchanged, bought, sold or taken from the district for which it was originally granted, to any other in the same county, without the approbation of the masters of both districts sanctioned by the county grand master, or from one county to another, without the approbation of both county masters, the change in every case to be reported to the grand lodge of Ireland. The parties to whom such warrant may be transferred, are on no account whatever, to pay a greater sum for it, than the price of a new warrant.

Order of business for each Meeting.

1st. Lodge to open with a prayer. (Members standing.) 2d. General rules read. 3d. Members proposed. 4th. Report from committee. 5th. Names of members called over. 6th. Members elected. 7th. Members made. 8th. Lodge to close with a prayer, (members standing.)

Rules for the formation of Districts, &c.

1st. That masters of counties and cities do divide their respective counties and cities into districts, according to local circumstances; not more than fifteen, or less than five lodges to constitute a district, unless they may see reason to extend the number.

The masters of lodges so forming a district, to elect a master for that district, the master, a deputy master, secretary, and treasurer, all subject to the approval of the grand lodge of the county or city. Should the choice of a district master, deputy district master, secretary, or treasurer, fall on any private member of a lodge within the district, that then such person shall cease to be a private member of that lodge, so long as he shall continue in such office.

2d. That during the absence, suspension, or non-election of a district master, the senior master in the district shall act for the time; the seniority to be determined by the number of the lodge to which the master may belong.

3d. That the election to the office of district master shall take place in the first week of May, for one year from the first day of July.

4th. That each district lodge shall meet four times in each year.

5th. That district masters shall make returns of the number, names, and places of abode, of the members of the different lodges within their respective districts, to the grand master of their county or city, once a year; and that they do hand over to the county grand treasurer, at the county meeting to be held in the first week of June, the yearly subscriptions due by such lodges to the grand lodge of Ireland; and the district officers shall visit the respective lodges of their district within the year.

Regulations for the appointment of grand lodges of counties and cities.

1st. That a grand lodge shall be formed in each county, to be composed of the county officers and district masters, with seven brethren of known zeal, talent and respectability, to be chosen annually by the grand master, with the approbation of the county grand lodge, all of whom must be of the Purple order.

2d. That a grand master for each county and city, shall be chosen by the district masters of such county or city, and a deputy grand master, secretary, treasurer, and chaplain, by the grand master; all subject to the approval of the grand lodge of Ireland. Should the choice of a grand master, deputy grand master, secretary, or treasurer of a county or city, fall on a private member of any lodge, (except the grand master's lodge in Dublin,) that then such person shall cease to be a private member of that lodge, so long as he shall continue in such office,

3d. That

3d. That the grand masters, deputy grand masters, secretaries and treasurers of counties and cities, shall be elected in the first week of June for one year, from the first day of July.

4th. That in any county or city, in which there shall be less than three districts, the senior district master, shall, with the approbation of the grand lodge, act as grand master for that county or city.

5th. That during the absence, suspension or non-election of a grand master of a county or city, the deputy grand master or any of the county or city grand officers shall act; and that no county or city grand lodge shall be held without the presence of one grand officer, except for the purpose of electing the county or city grand master.

6th. That the grand masters of counties and cities do forward to the secretary of the grand lodge, every twelve months, such returns, as shall be made to them by their district masters, of the number, names, and places of abode of the members of the different lodges within their respective counties and cities; and that they do forthwith remit to the grand treasurer of Ireland the yearly subscription from such lodges, as soon as possible after the county meeting, to be held for the election of officers in the first week of June.

7th. That each county grand master shall have an appropriate seal, with the head of King William, and the name of the county engraved thereon.

Rules for the Formation of the Grand Lodge.

1st. That the Grand Orange Lodge of Ireland, shall consist of the grand officers of the different county and city grand lodges, viz. the county grand master, his deputy, grand treasurer, grand secretary, grand chaplain, and proxy, and twenty-one brethren of known zeal, talents, and respectability, to be chosen annually by the grand lodge, by ballot from the Purple order, one negative to exclude; by these shall be chosen a grand master, a deputy grand master, a grand treasurer, a grand secretary, a grand chaplain, and deputy grand secretary; and further, a deputy grand treasurer shall be nominated by the grand treasurer, to be approved of by the grand lodge.

2d. That all authority necessary for the advancement and welfare of the Orange Institution, shall be vested in the grand lodge.

3d. That the grand lodge shall meet in the metropolis twice in every year for the government of the Orange Institution; to wit, on the first Monday in August, and the first Monday in February, at the hour of one in the afternoon, and that a committee of eleven shall be appointed at each half-yearly meeting, to regulate such proceedings as may be necessary during the time intervening before the next meeting, such committee, in no case, to continue longer than from one meeting to the following, unless elected anew; and that all elections in the grand lodge shall take place on the first Monday in August in every year.

4th. That every county grand master shall have the power, with the approbation of the county grand lodge, of appointing a proxy, or correspondent in Dublin, to transact the business of the county, and to have a vote in the grand lodge of Ireland, such appointment to be certified under the seal of the county.

5th. That in order to insure regularity in attending the grand lodge of Ireland, every county master shall be fined one guinea, if there shall not be present at any regular meeting of the grand lodge, either one of the grand officers, or the proxy of that county.

6th. That no meeting of the grand lodge can be held without the presence of at least one grand officer of Ireland to preside, and thirteen members.

7th. That five of the committee of the grand lodge shall be a quorum, but that no business shall be transacted by the committee, without the presence of a grand officer. The committee shall have the power of calling an extraordinary meeting of the grand lodge, giving one month's notice thereof.

8th. That the grand officers of the grand lodges in England are members of the grand lodge in Ireland, being properly certified.

9th. That in cases of resignation, decease, or removal of any of the grand officers, notice thereof, and of a new election, shall be, as soon as possible, transmitted to all the county or city grand lodges in Ireland, and such new election shall take place at the next general half-yearly meeting.

10th. That the grand officers shall have the power of introducing as visitors, at

any meeting of the grand lodge, such brethren of respectability and talents of the purple order, as they may think desirable.

11th. That the deputy grand treasurer and deputy grand secretary shall, at every half yearly meeting, lay their accounts and papers before the grand lodge.

12th. That the grand lodge of Ireland shall communicate yearly or half-yearly with all the lodges in Ireland, but that no communication shall be made to any private lodge, unless through the medium of the county grand lodge in which such private lodge shall be situated, when there is a county grand lodge.

Prayer for opening the Lodge.

Gracious and Almighty God, who, in all ages, hast shown thy mighty power, in protecting righteous Kings and States; we yield thee hearty thanks, for so miraculously bringing to light, and frustrating the secret and horrible designs of our enemies, plotted and intended to have been executed against our gracious King, our happy constitution, and the true religion established by our glorious deliverer, King William III. Prince of Orange.

Vouchsafe, O Lord! to continue unto us thine Almighty protection; grant to our pious King, long life, health, and prosperity. Let thy providence ever guard our happy constitution, and enable us to transmit it to our latest posterity, unimpaired and improved by our holy religion.

Bless, we beseech thee, every Member of the Orange Institution, with charity, brotherly love, and loyalty. Make us truly respectable here on earth, and eternally happy hereafter. These, and all other blessings, we beg in the name, and through the mediation of Jesus Christ our Lord and Saviour. Amen.

Or this,

Almighty God, and Heavenly Father, who, in all ages, hast shown thy power and mercy, in graciously and miraculously delivering thy Church, and in protecting righteous and religious Kings and States, from the wicked conspiracies and malicious practices of all the enemies thereof; we yield thee hearty thanks for so wonderfully discovering and confounding the horrible and wicked designs of our enemies, plotted and intended to have been executed against our most Gracious Sovereign Lord, King George, and the whole estates of the realm, for the subversion of the government and the established religion.

Be thou, O Lord, still our mighty protector, and scatter our enemies that delight in blood; infuriate and defeat their counsels; abate their pride; usage their malice; and confound their devices. Strengthen the hands of our Gracious Sovereign, and all that are in authority under him, with judgment and justice to suppress and punish all such workers of iniquity, as turn religion into rebellion, and faith into faction, that they may never prevail to the ruin of thy Church amongst us; but that our Gracious Sovereign, and his realm, being preserved in thy true religion, and, by thy merciful goodness, protected in the same, we may all duly serve thee with praise and thanksgiving. And we beseech thee to protect the King, Prince Regent, and Royal Family, from all treasons and conspiracies; preserve them in thy faith, fear, and love; make the King's reign long, prosperous, and happy here on earth, and crown him hereafter with everlasting glory.

Accept also, most gracious God, our unfeigned thanks, for filling our hearts with joy and gladness, by sending thy servant, the late King William, for the deliverance of these nations from tyranny and arbitrary power.

Let truth and justice, devotion and piety, concord and unity, brotherly kindness and charity, with other christian virtues, so flourish amongst us, that they may be the stability of our times, and make this, our association, a praise here on earth.

This we most humbly beg, in the name, and for the sake of Jesus Christ, our Lord and Saviour. Amen.

Form of Prayer to be used at closing.

O Almighty God! who art a strong tower of defence unto thy servants, against the face of their enemies; we yield thee thanks for our deliverance from those great and apparent dangers wherewith we were encompassed: We acknowledge thy goodness, that we were not delivered over as a prey unto them, beseeching thee still to continue such thy mercies towards us, that all the world may know thou art our Saviour and mighty deliverer, through Jesus Christ. Amen.

- The

The Second Epistle of PAUL the Apostle to the THESSALONIANS.

CHAP. III.

13. But ye, Brethren, be not weary in well doing.

14. And if any man obey not our word by this epistle, note that man, and have no company with him, that he may be ashamed.

15. Yet count him not as an enemy, but admonish him as a brother.

16. Now the Lord of peace himself give you peace always by all means. The Lord be with you all.

18. The grace of our Lord Jesus Christ be with you all. Amen.

9.

House of Commons.

MINUTES OF EVIDENCE.

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of *Dublin*.

Lunar, 26^o die Maii, 1823.

Sir ROBERT HERON, Baronet, in the Chair.

Sir ABRAHAM BRADLEY KING, Baronet,
called in; and further Examined.

ON a former night you stated, that you were an Orangeman prior to the adoption of the new system of 1820?—I did.

Did you take the oath under the old system?—I did.

Will you state whether the oath under the old system was not in these words, "I do solemnly and sincerely swear, of my own free will and accord, that I will, to the utmost of my power, support and defend the present King George the Third, His heirs and successors, so long as he or they support the protestant ascendancy, the constitutions and laws of these kingdoms; and that I will ever hold sacred the name of our glorious deliverer William the Third, Prince of Orange; and I do further swear, that I am not, nor ever was a Roman catholic or Papist; that I was not, am not, nor ever will be a United Irishman; and that I never took the oath of secrecy, to that or any other treasonable society; and I do further swear, in the presence of Almighty God, that I will always conceal and never reveal either part or parts of what is now to be privately communicated to me, until I shall be authorized so to do by the proper authorities of the Orange institution; that I will neither write it, nor indict it, stamp, stain or engrave it, nor cause it so to be done on paper, parchment, lead, brick, stick, stone, or any thing, so that it may be known; and I do further swear, that I have not to my knowledge or belief, been proposed and rejected in or expelled from any other Orange lodge, and that I now become an Orangeman without fear, bribery or corruption. So help me God."?—I cannot take upon me to say, that all the words that the Right honourable Member has read from that paper, was in the oath I took, but I think substantially they are the same.

In that oath it is stated that you would always conceal and never would reveal any part or parts of what was then to be privately communicated; were these the secret articles so communicated, "that we will bear true allegiance to His Majesty King George the Third, His heirs and successors, so long as he or they support the protestant ascendancy, and that we will faithfully support and maintain the laws and constitution of these kingdoms;" was that one of the articles?—No, not one of the secret articles, that was public.

Sir
A. B. King.
Ninth Day.
(May 24.)

Sir
A. B. King.
Ninth Day
(May 26)

Was that one of the articles that was communicated to you?—That is our public oath, inserted in our oath; it was part of the oath.

"That we will be true to all Orangemen in all just actions, neither wronging one nor seeing him wronged, to our knowledge, without acquainting him hereof;" was that any part of your engagement?—That was no part of the secret obligation.

Was it part of your obligation?—It is in the printed declaration I handed in to the Committee on my first examination.

Is it part of the articles, or part of the engagement you entered into?—It is part of the declaration of the Orange society, it is no part of the secret article that the honourable Baronet asked me upon.

Was that, part of your engagement as an Orangeman?—Unquestionably, the whole declaration is part of the engagement, it forms the engagement.

"We will be true to all Orangemen in all just actions, neither wronging one nor seeing him wronged, to our knowledge, without acquainting him thereof;" did you enter into any such engagement?—I have stated that it is part of the declaration of the Orange institution, and of course it became part, no doubt; but it is no part of the secret articles; I wish to give the fullest and the fairest answer that I can, but I understood the Right honourable Baronet to ask me whether those were the secret articles.

Have you entered into that engagement, aye or no?—Unquestionably.

"That we are not to see a brother offended for a sixpence or a shilling, or more if convenient, which must be returned the next meeting if possible"—I have no recollection of any thing of the kind.

"We must not give the first assault to any person whatever, that may bring a brother into trouble"—I have no recollection of that being part.

Can you say that it was not part?—I will not take upon me to swear, for I consider myself here now delivering testimony as on oath, and I will not take upon myself to say that it was not.

"We are not to carry away money, goods or any thing from any person whatever, except arms and ammunition, and those only from an enemy;" did you enter into any such engagement?—Never, nor heard of it before.

Is that any part of what you handed in before?—Not at all.

"We are to appear in ten hours warning, or whatever time is required, if possible (provided it is not hurtful to ourselves or families, and that we are served with a lawful summons from the master,) otherwise we are fined as the company think proper"—No such thing that I ever heard of.

"No man can be made an orangeman without the unanimous approbation of the body"—There is no such rule that I know of; an Orangeman cannot be made without being proposed into a lodge, or admitted into a lodge; he must be unanimously admitted.

"An Orangeman is to keep a brother's secret and his own, unless in case of murder, treason and perjury, and that of his own free will"—I know of no such regulation.

Can you take upon yourself to say, there is no obligation of that kind entered into?—None that I know of.

No Roman catholic can be admitted on any account?—Certainly not.

Do you recollect having printed gratuitously for distribution, any paper in the year 1820?—I do.

With the title of "Extracts from the Rules and Regulations for the use of Orange societies, revised, corrected and adopted by the grand Orange Lodge of Ireland, assembled at Dublin, in January 1820"?—The word "Extract" I believe is not mentioned in it; it is exactly what I delivered in at the bar of this House.

Do you recollect whether in the paper you have delivered in, there is a separate obligation, stated for persons who are called Purplists?—There is.

In

779

Sir
A. B. King.

Ninth Day.
(May 26.)

In the obligation of a Purpleman, it is stated that he does solemnly and voluntarily swear, that he will keep the signs, words, and tokens of a Purpleman from an Orangeman, as well as from the ignorant, unless authorized to communicate them by the proper authorities of the Orange institution; is it not meant by that, that there are separate characteristics by which a Purpleman is distinguished from an Orangeman?—It is.

In what books, chapters, and verses of the Old Testament, are the passages to be found which are read to an Orangeman?—

[The witness was directed to withdraw.]

[The witness was again called in.]

Are the following words, or any part thereof, put to any Orangeman, either at his admission or after; "And stay ye not, but pursue after your enemies, and smite the hindermost of them, suffer them not to enter into their cities, for the Lord your God hath delivered them into your hands"?—Not one word of it to the best of my recollection.

Are any words read to that effect?—None that I know of.

[The witness was directed to withdraw.]

[The witness was again called in.]

[The witness was directed to withdraw.]

[The witness was again called in.]

Do you consider yourself bound by your oath to keep secret all that passes in the lodge?—No, I do not.

Are you bound by your oath to keep secret any part of what passes in the lodge?—Nothing; but what passes with respect to the making of an Orangeman, the signs and words.

With the exception of the words and signs, may every thing be revealed that passes in an Orange lodge?—I think so.

Is there any thing in the rules of the institution which would militate against that?—I rather think not.

In what then consist the proceedings of lodges, besides the making of Orangemen, the signs, the tokens, and the symbols?—There is a variety of business to be done, it is impossible to say exactly what it is, a variety of business may or may not be before the lodge.

Can you mention any part of the business, or the general nature of the business?—I declare, I cannot; the lodge is opened, as I mentioned before, according to the rules and regulations that are on the minutes, there is a form of prayer read at the opening the lodge, and at the closing the lodge; during the time the lodge is sitting it is according to the business that comes before them, what that business is, may consist of a variety of things, but I do not conceive there is any thing that a man attending in that lodge, would be bound to keep secret, save and except the signs and words.

Is there any thing takes place in those lodges, hostile to any class of His Majesty's subjects?—Certainly not; I never knew it, nor I do not believe it.

What office did you hold?—I was deputy grand master of the Orangemen of Ireland.

Is that an annual office?—It is an office that the person is elected to annually.

Is it an annual office?—It is an annual office, he may be displaced, the officers are elected annually, and he is one of them.

Do you at present hold that situation?—I do not.

Were you dismissed from the situation, or did you retire?—I retired.

Have you any objection to say why you retired?—I have not.

See
at R. King.

North Day.
(May 15).

State then why you retired?—About three years ago, I think, there was a question occurred, the grand lodge were called upon that question, they were of opinion with me that a certain act was not prudent or necessary to be done at that time; however it was done afterwards, and I did conceive that I ought not to be at the head of a society, that at that time disregarded the instructions that they received from the grand lodge, and I retired.

What was that question?—It was relative to the dressing of the statue.

What were your sentiments upon that occasion?—I thought it imprudent to dress the statue at that time.

Was that at the time of the King's visit to Ireland?—It was prior to the King's visit.

Was it at the time when he was expected?—It was sometime before he came; it was just about the time of the King's coronation.

Are there any political discussions take place in the lodges?—Unless that is called a political discussion; I do not know of any.

In any part of the Orange institutions, symbols, or any thing else, is there anything directly or indirectly hostile to any class of His Majesty's subjects?—Decidedly not.

Is there anything in the oath of an Orangeman, or in the mode of his admission into a lodge, which in your opinion, would induce him to swerve from the principles of justice, either with regard to Protestants or Roman catholics, if he were upon a jury of his country?—Decidedly not.

Are you acquainted with Sheriff Thorp?—I am.

Is he an Orangeman?—Not to my knowledge.

Is there any thing offensive to any class of His Majesty's subjects passes in the Orange lodges?—Nothing that I know of; latterly the Roman catholics have taken offence at the Orangemen and their practices, latterly I have heard of it, but only very latterly; I know of nothing that passes in an Orange lodge that ought to give offence.

[The witness was directed to withdraw.]

It was moved that the Chairman be directed, on the witness being again called in, to put to him the following.

You have stated in your former evidence, that there are certain passages of the Old Testament read when an Orangeman is made; do you recollect what is the purport of those passages of Scripture?—

[The witness was directed to withdraw.]

[The witness was again called in.]

Is there any thing in that part of the Old Testament which is read at the initiation of an Orangeman, or at any time after, which expresses sentiments of hostility to the part of the Israelites towards any other nation?—I do not think there is.

Are you sure that there are not any such sentiments?—I am.

Are those passages of Scripture such as preach peace and good will to men in general?—

[The witness was directed to withdraw.]

[The Chairman was directed to report progress, and ask leave to sit again.]

783

10.

House of Commons.

MINUTES OF EVIDENCE,

TAKEN BEFORE THE COMMITTEE OF THE WHOLE HOUSE,

Appointed to inquire into the Conduct of the SHERIFF of
The City of *Dublin*.*Martis, 27^o die Maii, 1823.*

Sir ROBERT HERON, Baronet, in the Chair.

The Right honourable WILLIAM CONYNNGHAM PLUNKET,
a Member of the House; Examined in his place.

IS it the practice for the law officers of the crown, in Ireland, to order magistrates to commit in any particular form?—I never heard of such a practice, and I should suppose no such practice can exist.

In the case of Forbes, did the law officers of the crown order Major Sirr to commit capitally?—Certainly not; the law officers of the crown, in the case of Forbes, gave their opinion to the magistrates that it would be right to commit capitally, but I am sure that in that case no order, or any thing equivalent to an order, was given by them to the magistrates; it is a judicial act on the part of the magistrate; he must exercise his own discretion, and rest upon his own responsibility; I conceive it would be a great violation of duty in him to relinquish his own judgment to that of any other person; and I conceive it would be a very improper thing, on the part of any other person, to give him a direction.

Are you to be understood, that the law officers of the crown merely expressed their opinion upon the evidence?—Merely so.

Would you think a magistrate acted properly in committing on the opinion of the law officers of the crown, on evidence taken before them, without himself examining that evidence and having it regularly sworn and reduced into the form of informations before him?—I should think that he acted very irregularly and improperly in so doing.

Did Major Sirr state any opinion contrary to that of the law officers of the crown, or against the capital commitment?—I never heard that he did, unless at the Bar here (if he did so then); I never had the slightest intimation that he at all differed in opinion from the law officers of the crown.

Were several minutes of examinations, or informations, taken in the absence of the magistrates, before the law officers of the crown?—There were several examinations taken in the absence of the magistrates; after the witnesses had been sworn, in several instances the magistrates were absent during the procedure of the examinations.

Have you any recollection of the magistrates having been desired to withdraw?—I do not recollect that being the case.

One of the magistrates has stated, that he swore the witness and then withdrew; was it the practice that the witness was introduced into the room with the law officers,

Right hon.
W. C. Plunket.

Teeth Day.
(May 27.)

Right hon.
W. C. Parnell.
Testis Day.
(May 27).

officers of the crown and sworn by the magistrate; that the magistrate then withdrew; that then the witness was examined, and a memorandum made of his deposition, and that before those depositions were sent to the magistrate, the magistrate was called upon to commit?—That statement involves a great number of particulars; I do not know whether the Right honourable Member means to put that as a question.

Mr. Graves, in his evidence, states, "I was desired to swear a witness; I did swear the witness, and then withdrew, and the notes of the examinations were then taken: they did not take the shape of an information sworn before a magistrate, but several days before the commission, and the bills being sent up to the grand jury, they were sent down to us, and we were desired to bring the persons before us, and to swear them to them, they being put into the shape of informations, and to bind them over to appear on the trial, which we did;" then in another answer, he says, "when these notes of informations came before the magistrates to swear, we had of course the witness before us; we interrogated him again; he swore to the informations, and, in many instances, in doing so, he altered the notes of examinations, as before taken; in several instances he altered them considerably. It never was proposed to us to swear those informations at all until subsequently to the committals, when we had the witnesses before us, and when we were directed to have the witnesses before us in the first instance." When the committals were made, were all the informations that were taken in the absence of the magistrates, laid before the magistrates?—From the answer which has been read to me, as given by Mr. Graves, it should seem that they were not; but the answer given by Mr. Graves is the first intimation of that fact I have received, to the best of my recollection.

You were understood, in reply to a question before put, to have said that there were no orders given to the magistrates; were the magistrates advised by the law officers of the crown to commit the prisoners capitally?—According to my recollection, I expressed to Major Sirr, who was the only magistrate with whom I had any communication upon the subject of the committals, my opinion, and that of the law officers of the crown, that the committal should be for a conspiracy to murder. It is necessary I should explain a former answer, to which the Right honourable Member has alluded, referring to the circumstance of the depositions being taken from the witnesses after the magistrates had withdrawn; I think it necessary to mention that that happened in some instances, in others the magistrate was present; in many others the informations were regularly taken before the magistrate. In the instances in which the examination was pursued in the absence of a magistrate, that was an examination conducted, as I consider, for the purpose of giving information to the law officers of the crown, in order to enable them to form their opinion as to the circumstances of the case, and the mode of prosecution, but certainly was not intended by them as the depositions upon which the magistrate was to act when he came to commit. I conceive that it was the duty of the magistrate, before he committed, to examine those depositions, to have them reduced to the regular form of informations, and to have a security taken from the parties who made them, to prosecute. In the case of the two committals for the capital charge, which were made by Mr. Gabbett, I believe that was done; in the case of the committal made by Major Sirr, I now learn that that was not done; but I conceive that the doing that was the business of Major Sirr, and a matter in which I had no kind of concern.

What was the use of filling up the notes of informations afterwards, if that examination was only intended for the purpose of giving information to the law officers of the crown?—I cannot say what was Major Sirr's object in doing it, after he had made out the committal; it could be neither a justification for the committal, nor could it answer any good purpose, but that was done without any communication with me; I had no communication with Major Sirr, but one in which I gave him my opinion as to the nature of the offence.

Were the magistrates desired to remain in the room during the examination of the witnesses, or did they withdraw?—I have no recollection of their being desired to withdraw, nor have I a recollection of their being desired to remain; I cannot tax my memory upon the subject.

Did Major Sirr represent to you at that time, that he did not think the charge made out as for a capital offence?—Never; at that or at any time.

Are you aware that George Graham, was at any time committed only for a misdemeanour?—I rather believe so, I think that appears by the committals which are on the table.

Are you aware, that George Graham, as appears by the committals, was afterwards

wards committed for conspiring with divers other persons to kill and murder his Excellency Richard Marquis Wellesley?—I believe he was, by Mr. Gabbett.

Are you aware, that both those commitments were by Mr. Gabbett?—I think so.

The first commitment was on the 15th of December 1822, and the second on the 23d of December 1822; had you had any communication with respect to the commitment of George Graham, with Mr. Gabbett in that interval?—It may be so, but I have no distinct recollection on the subject.

Can you inform the Committee, how it happened that that second commitment was made?—My recollection is not so distinct as to enable me to state, but I think it appears from Mr. Gabbett's evidence, that the opinion of the law officers of the crown was given, that those persons should be capitally committed.

Did you as one of the law officers of the crown give that opinion?—I did as a law officer of the crown, give that opinion as to those three persons; I do not recollect communicating it to Mr. Gabbett personally.

Do you recollect what passed with Major Sirr upon the subject of those commitments?—No, I cannot distinctly trace it; I think Major Sirr came into the secretary's room at the castle, the solicitor general, Mr. Townsend, Mr. Goulburn and myself being present, on the Saturday evening, the commitments were not made out until the Monday, I think; on the Saturday evening about five or six o'clock, he came, and that at that time the opinion was communicated to him; I cannot tax my memory, whether on the Monday following I saw Major Sirr, or not, but I have a strong recollection that on the Saturday evening that opinion was communicated to him.

Did you see Major Sirr more than once in those proceedings?—If I were to speak in my own recollection I should say only once, but I have been talking to Mr. Goulburn, who says, I saw him twice in his presence; my recollection is only negative, and Mr. Goulburn's is positive, therefore I think his is right.

You were understood to say, that the opinion of the law officers of the crown was communicated to Major Sirr upon a particular day, from which an inference is drawn that a previous conversation had taken place, is that inference correct, or was the whole one transaction;—What I mean to say is, that on the Saturday evening the opinion was communicated to Major Sirr, and I believe by me; I believe also by the solicitor general, but what conversation passed I cannot say.

Had any consultation taken place between the law officers of the crown, in respect of any opinion to be given to Major Sirr?—Conversation took place between the law officers of the crown upon the opinion to be given; but whether it was with reference to its being given to Major Sirr, or to any other magistrate, I cannot particularly say. I believe Major Sirr happened to be the person to whom it was communicated, because he resided in the castle, and was therefore on the spot.

Had Major Sirr applied for the opinion of the law officers of the crown upon the subject?—I understood that the magistrates had applied to government on the subject of the mode in which they were to act; I do not recollect Major Sirr personally having applied.

Did the magistrates at the same time that they applied to government, lay before the government the informations they had received?—I am not competent to say; according to the best of my recollection, the informations that had been taken before the police magistrates, were communicated to the law officers of the crown.

Were there any other informations in the possession of the law officers of the crown, that were not in the possession of the magistrates?—None but those that have been already alluded to, if they can be said not to have been communicated.

Was the opinion given by the law officers of the crown, given upon those informations which were in the possession of the magistrates as well as upon those informations of which you have spoken, and which probably were not in their possession?—The opinions of the law officers of the crown were founded upon the whole of the evidence, as well as the informations taken before the magistrates, as the evidence laid before them in the way already stated, in the absence of the magistrates.

Did you inform the magistrates with whom you communicated, that you advised them upon more information than they themselves possessed?—I certainly did not communicate it to them in terms; but Major Sirr was perfectly aware of those examinations, he himself was present at some of them; he had sworn the witnesses in others; and there was no holding back any part of the information we possessed; and I considered that Major Sirr was entitled to have access to the whole of it, and

Eighteen.
W. C. Plunket.
Tenth Day.
(May 27.)

would have access to the whole of it before he signed his committal; in compliance with my advice, as the whole of the evidence before us was in the hands of the crown solicitor, I considered that he would, acting with proper discretion, inform himself of the whole of the case, and have it regularly reduced to the shape of informations, as was done by Mr. Gabbett; for in the case in which Mr. Gabbett committed, the evidence on which he acted was reduced to the form of informations, and the parties were bound over to prosecute in the usual way.

Was the opinion of the law officers of the crown as communicated to the magistrates, entirely an opinion upon law, or an opinion upon their discretion?—The opinion that was communicated to the magistrates, was on the point of law, that we thought the evidence in point of law would warrant a committal for a capital offence.

Are you aware that Forbes had been held to bail on the night of the riot?—I am not quite sure at this moment, whether he was held to bail; he was apprehended on the night of the riot by Mr. Graves; I believe he was discharged on that night; I am not quite sure whether bail had been given.

Are you aware that he was committed for feloniously conspiring to kill and murder the Marquis Wellesley, on the 23d December 1822?—Yes, that was the final committal.

Were any instructions given to the magistrates, with respect to that committal?—No direction; no instruction further than the giving the opinion I have already stated.

Was that opinion founded upon the evidence that was given at the trial by Mr. Troy and Mr. Farley?—I do not think I ought to answer any question, as to what were the particular informations on which I gave my opinion, I am in the judgment of the Committee whether I ought to answer that or not, I have personally no objection.

Were there any evidences examined upon that subject, at the trial of Handwich, Forbes and others, for the conspiracy?—Upon what subject.

With respect to Forbes?—Oh! yes; a great many witnesses were examined; a report of the trial was published.

Is that copy of the trial tolerably authentic?—Indeed I should think so.

Was Mr. Farley, the attorney, examined upon that occasion?—Yes.

Was Mr. Troy examined upon that occasion?—Yes.

Were there any other witnesses examined upon that occasion to the point of what happened after the play?—I believe there were; but really I submit to the honourable Member, whether it is of any use examining me to those points, which will appear upon the printed report of the trial.

Will you permit the Committee to assume, that this report is sufficiently accurate to reason upon at a future time?—I have no power to give such a permission; I have already said, I believe it to be a very fair report of the trial.

Were the prisoners tried on both indictments at the same time?—They were not indictments, they were informations; they were given in charge on both the informations at the same time; I should mention with respect to that, that the practice in this country and in Ireland is different; the custom in the courts in this country, is to include in the same information offences, which we in Ireland include in distinct informations, the consequence is that the practice in the two countries is different; here parties I believe, are not permitted to be charged at the same time on separate informations, but that is because they are really distinct offences; but in Ireland, where they split into two informations, offences of one and the same nature which are in fact one, they do allow the parties to be charged with the two informations at one and the same time.

Do not the magistrates under the police, hold their offices at the pleasure of the crown?—I believe some of them do, and some of them do not; some are appointed by the crown, some by the city; I believe Major Sirr does not hold at the pleasure of the crown, but under the city.

Does Mr. Graves?—Mr. Graves I believe does, but Major Sirr, the magistrate who committed Forbes, I believe does not, I cannot speak positively to that, but I believe so.

Is Mr. Gabbett removable by the crown?—Mr. Gabbett, I believe, is removable at the pleasure of the crown.

Major Sirr's is a patent place is it?—No, I believe not; but I really am speaking without having any accurate knowledge upon the subject; I believe under the Police

Police Act, there are city magistrates and persons named by the crown, and that those police magistrates who are appointed by the city, cannot be removed by the crown.

You have said that you believe all the informations were before Mr. Gabbett previous to his making out his committal?—I rather believe so.

Mr. Gabbett was asked, "Had you been left to your own discretion would you have committed for the capital offence?" to which he replied, "It is impossible for me to answer directly that question otherwise than thus, that I certainly, if it had been left entirely to myself, should have required the whole of the informations to be laid before me to exercise my judgment upon them?"—It certainly would appear from that, that the whole had not been—my impression was, that the whole had been—that impression was created partly by my having looked at a brief, which by accident is here and now in my possession, in which the dates of informations taken before Mr. Gabbett are stated, and by which it appears that Mr. Gabbett had all the informations reduced to regular form before the day of committal, that answer would make it appear as if he had not, I have not seen Mr. Gabbett's evidence since he gave it.

Were the examinations, which were taken by the law officers of the crown in the absence of the magistrates, sworn before the same magistrates?—I cannot be certain of that; I should think they were sworn before more than one magistrate; I think different magistrates came in, from time to time, as they happened to be on the spot; the taking of the examinations continued for six or seven days; whatever magistrate happened to be on the spot when a witness was examined swore the witness.

Is it the practice of the crown officers, in Ireland, to have witnesses sworn before any magistrates who may accidentally be present, those magistrates not afterwards taking cognizance of the case?—I cannot say that it is, but in this case the whole of the matter was before the police magistrates, and no magistrate who was not a police magistrate swore any witness.

In the case of Mr. Gabbett, were those examinations, which you state were reduced into regular informations, re-sworn?—I should rather think so; but I should inform the Honourable Member, that I can only speak as to conjecture and belief, for I had no share whatever in the reducing them into informations, and know nothing upon the subject.

In point of fact, did the magistrates reduce the examinations taken before the law officers of the crown into the regular form of informations?—On my knowledge I can say nothing upon the subject; it was the business of the magistrates; it was their duty, with which I had no concern; they exposed themselves to the action of the party if they committed him without a regular information, and the party was entitled to be discharged by a judge, if he was committed without a regular information; I should take for granted that the magistrates, who are experienced persons, would do that which was right; what they did I have learned principally in the course of the present investigation.

Have you ever had any application from any country magistrates for your opinion, as to the committals of parties or the amount of bail which they should take?—I have had applications at times from magistrates in the country, in cases where I had no acquaintance with the transaction, but where they applied to me merely as attorney general, and my uniform answer has been, that I did not feel it my duty to interfere, and I declined giving any advice.

Did you learn from those who made those applications, or the manner in which they were made, whether it had been the former practice to make applications of that nature?—I should rather decline answering that question; I think I ought not to answer it.

Did you give any opinion as to the amount in which those persons whose case is now under inquiry, should be bailed?—Certainly not.

Or the refusal of bail?—I gave no opinion which implied a refusal of any bail; if it was a capital charge, of course, there could be no bail taken, unless before a judge.

The question refers to the time subsequent to the abandonment of the capital charge; the capital charge was abandoned at the commission; after that was abandoned, did you give any opinion as to the amount of bail to be demanded from Forbes?—No, I did not; I have a distinct recollection that the bail given for Forbes was on his own offer; he stated that he would give bail to the amount of 1,000*l.*

Right Hon.
W. C. Pender.

Teeth Day.
(May 27)

which I certainly should never have thought of requiring, nor I never mentioned the same; it was taken by the judge.

Did you consider, from the manner in which those applications, which have been referred to were made to you from the country, with respect to advising on the amount of bail to be taken, or on the nature of the committal to be made by the magistrates, that they had been in the habit of making similar applications before?—There is one instance only to which I could give any answer, and it really is not material to the present inquiry. A magistrate in the country had apprehended a person for an offence, which in its nature was not bailable, and he wrote to me to know whether I would give him authority to let out the party without bail. I certainly declined giving any opinion upon the subject, stating that it was not a duty that belonged to me.

It appears that some of these parties were first committed for a minor offence, and were afterwards committed for the capital offence?—Two of them.

Was there any information received in the interim between the two committals, on which the capital committal was founded?—I consider that there must have been; the capital committal did not take place until the 23d, I think, of December; the examinations had been closed on the 21st of December, and I think material information had been received in the course of that last day's examination, which went to affect not only Forbes, but the two other persons who were capitally committed.

Are you certain that you are correct as to the magistrates not being removable at the pleasure of the crown?—I perceive the answer I gave to a former question, has been in error; the magistrates named by the city are, I am informed, removable at the pleasure of the crown.

Were any of the prisoners against whom bills of indictment were preferred, and ignored by the grand jury afterwards, held to bail to answer an information to be filed by the attorney general?—They were held to bail by the court for that purpose.

Do you feel that the attorney general of Ireland has a right to call on any person to enter into bail, to answer an information to be preferred at a future period?—The short answer to that is, that it was not my act, but the act of the court and on the offer of the party.

Did any other of the parties, except Forbes, make that offer?—I believe they all did.

In point of fact, were any of the defendants kept in prison for two days after the ignoring of the bills, in consequence of not being able to get bail?—I do not know that fact.

Do you feel, as attorney general, that you had a right to call on the defendants to find bail to answer to an information which was not then filed?—That is a question of law which it is not necessary to answer, as it was the act of the court, and on their own offer.

Do you know whether any of those parties who were committed on the capital charge, made any application to a judge in order to obtain their release?—I never heard that they did; I believe it would have been competent to any of them to make such an application; and if there was no information, or an insufficient information, they must have been discharged.

Was it at your suggestion, or that of any of the law officers of the crown, that those persons were held to bail by the court?—The parties came in, not waiting for the end of the commission, and they applied to be forthwith discharged. I got up for the purpose of saying, that they were not then entitled to be discharged without giving bail; after I made that observation, they made an application to be discharged on giving bail; and it was quite unnecessary to enter into any argument upon the amount; the bail was fixed between them and the court; that (it should be observed) was an application before the termination of the commission; had it been at the termination of the commission, that would have altered the case.

[The Chairman was directed to report the Evidence to the House.]

